

Basic Acts, Rules, and Regulations GOVERNING EMPLOYMENT IN THE FEDERAL COMPETITIVE CIVIL SERVICE

This pamphlet contains section 1753 of the Revised Statutes of the United States; the Civil Service Act of 1883; Reorganization Plan No. 5 of 1949; the Veterans' Preference Act of 1944; section 1302 of the Supplemental Appropriation Act, 1951; Executive Order 10180 of November 13, 1950, "Establishing Special Personnel Procedures in the Interest of the National Defense"; Executive Order 9830 of February 24, 1947, "Amending the Civil Service Rules and Providing for Federal Personnel Administration"; and the Civil Service Regulations issued by the United States Civil Service Commission for carrying out the provisions of Executive Orders 9830 and 10180.

It does not contain other acts administered by the United States Civil Service Commission—the Classification Act of 1949, the Hatch Political Activities Act, and the Civil Service Retirement Act; nor does it contain such regulations as the Retention Preference Regulations for Use in Reductions in Force, the Annual and Sick Leave Regulations, or the Federal Employees Pay Regulations.

Pages 3 through 75 of this pamphlet are reproduced from the Federal Personnel Manual, the official medium of the Commission for issuing its regulations, instructions, and suggestions to other agencies. These pages are current as of December 26, 1950.

Section 1753 of the Revised Statutes

[Act of March 3, 1871, 16 Stat. 514;
5 U. S. C. 631]

This section reads as follows:

The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service.

Under authority of this statute, and of the Civil Service Act of 1883, the President issues civil-service rules and other Executive orders which determine personnel policies and procedures in the executive civil service.

Civil Service Act

(Pp. 3-6)

The fundamental purpose of this act was to establish, in the parts of the service covered by its provisions (the competitive service), a merit system whereby selection for appointment should be made on the basis of demonstrated relative fitness without regard to political, religious, or similar considerations. The act established the United States Civil Service Commission, and requires the Commissioners to aid the President of the United States in drawing up civil-service rules to carry out the provisions of the act.

In 1883 only 10 percent of the executive civil service was within the scope of the act. In September 1950, 93 percent of the positions in the executive civil service (continental United States only) were in the competitive service.

Reorganization Plan No. 5 of 1949

(Pp. 7-8)

This plan, effective August 20, 1949, made the chairman (formerly the president) of the Commission its chief executive and administrative officer, with full authority and responsibility for the operating functions of the Commission. The three-member bipartisan Commission retained the power to make regulations, act on appeals, investigate matters pertaining to the civil service, and make recommendations to the President.

Veterans' Preference Act of 1944

(Pp. 9-13)

This act, which was approved by the President on June 27, 1944, brought together in comprehensive statutory form various statutes, Executive orders, and Civil Service Commission regulations under which preference in Federal employment had previously been given to certain groups of persons on the basis of military service. It also provided for the granting of certain additional veteran-preference benefits.

Moreover, the act contains provisions which are not restricted to veteran-preference matters. For example, (1) the act requires that the names of eligibles on civil-service registers be certified

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in accordance with the "rule of 3" under which sufficient names are submitted to an appointing officer to allow him to consider three names in connection with each vacancy; (2) it states that minimum educational requirements may be prescribed in a civil-service examination only under certain conditions; and (3) it states requirements which must be observed in determining the order in which employees are to be released in a reduction in force in a Federal agency.

Section 1302 of the Supplemental Appropriation Act, 1951

[Act of Sept. 27, 1950, 64 Stat. 1044]

This section reads as follows:

After September 1, 1950, and during the fiscal year 1951:

(a) In making appointments in the Government service the Civil Service Commission shall make full use of its authority to make temporary appointments in order to prevent increases in the number of permanent personnel and no employee in the Federal civil service promoted, transferred or appointed to a position of higher grade shall be eligible, in the event of separation from the service through reduction in force, to reinstatement at a grade above the grade held by such employee on September 1, 1950; and all reinstatements, transfers or promotions to positions in the Federal civil service shall be temporary and for positions subject to the Classification Act of 1949 shall be made with the condition and notice to the individual reinstated, transferred or promoted that the classification grade of the position is subject to post-audit and correction by the appropriate departmental or agency personnel office or the Civil Service Commission;

(b) The names of all persons to be terminated under reductions in force in the departments and agencies of the Government shall be certified as eligible for appointment to positions in agency programs determined by the President to be related directly to national defense, if qualified, at not to exceed the grade and salary last held in the terminating agency or department; and

(c) The Department of Defense is authorized to call on other departments or agencies for such additional personnel as it may require within the limits of its funds.

Executive Order 10180

(Pp. 14 and 15)

The purpose of this Executive order was to prevent, as provided by section 1302 of the Supplemental Appropriation Act, 1951 (see above), an increase in the number of permanent positions in the executive branch of the Federal Government, which was growing larger as a result of the expanded national defense program, and to provide an effective system of indefinite appointments which would make

possible more uniform recruitment for positions in both defense and nondefense agencies and would allow the urgent needs of agencies to be met more promptly. Under authority of the order, a number of the Civil Service Regulations were suspended.

Executive Order 9830

Part I (pp. 16-18) prescribes the organization for personnel administration in the executive branch of the Federal Government, defining the personnel-administration responsibilities of the Civil Service Commission, the agencies and the Federal Personnel Council.

Part II consists of the six Civil Service Rules. For reference purposes, they have been printed, not in unbroken sequence as they appeared in the Executive order by which they were promulgated, but with the Civil Service Commission regulations which supplement them. For example, Regulation 2 follows Rule II, Regulation 3 follows Rule III, etc. The rules and regulations appear on pages 19-75.

Civil Service Rules and Regulations

(Pp. 19-75)

The six rules consist of broad policies for the administration of the Civil Service Act and the Veterans' Preference Act. They delegate to the Civil Service Commission authority to issue regulations to carry out those policies. When the rules require supplementary regulations, the regulations are numbered to correspond with the rules to which they relate. Regulations 7-11 (pp. 68-75), while issued under authority of the rules, have no corresponding rules.

The rules and regulations provide for the active participation of agencies with the Civil Service Commission in the fields of recruiting and placement. In order to speed up and simplify personnel transactions, they delegate authority to agencies to take certain personnel actions, such as promotions and reassignments, without the prior approval of the Commission but under standards issued by the Commission. Such actions are subject to post-audit and review by the Commission.

Civil Service Rule VI (pp. 37-62) contains Schedules A and B of the Civil Service Rules. Positions named in these schedules are excepted from the competitive service. Positions named in Schedule A are excepted from examination; those named in Schedule B may be filled upon noncompetitive examination. An appendix on pages 63-67 lists positions excepted by statute from the competitive service.

Civil Service Act

AN ACT To regulate and improve the civil service of the United States (Act of January 16, 1883, 22 Stat. 403; 5 U. S. C. 632 et seq.; 40 U. S. C. 42).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to appoint, by and with the advice and consent of the Senate, three persons, not more than two of whom shall be adherents of the same party, as Civil Service Commissioners, and said three commissioners shall constitute the United States Civil Service Commission. Said commissioners shall hold no other official place under the United States.

The President may remove any commissioner; and any vacancy in the position of commissioner shall be so filled by the President, by and with the advice and consent of the Senate, as to conform to said conditions for the first selection of commissioners.

The commissioners shall each receive a salary of three thousand five hundred dollars a year.¹ And each of said commissioners shall be paid his necessary traveling expenses incurred in the discharge of his duty as a commissioner.

SEC. 2. That it shall be the duty of said commissioners:

First. To aid the President, as he may request, in preparing suitable rules for carrying this act into effect, and when said rules shall have been promulgated it shall be the duty of all officers of the United States in the departments and offices to which any such rules may relate to aid, in all proper ways, in carrying said rules, and any modifications thereof, into effect.

Second. And, among other things, said rules shall provide and declare, as nearly as the conditions of good administration will warrant, as follows:²

First, for open, competitive examinations for testing the fitness of applicants for the public service now classified or to be classified hereunder. Such examinations shall be practical

¹ The rate of basic compensation of the Chairman of the Commission has been fixed at \$16,000, and of the other members of the Commission at \$15,000, by Public Law 359, 81st Cong., approved October 15, 1949.

² The text of the civil service rules begins on page 19.

in their character, and so far as may be shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed.

Second, that all the offices, places, and employments so arranged or to be arranged in classes shall be filled by selections according to grade from among those graded highest as the results of such competitive examinations.

Third, appointments to the public service aforesaid in the departments at Washington shall be apportioned among the several States and Territories and the District of Columbia upon the basis of population as ascertained at the last preceding census. Hereafter every application for examination before the Civil Service Commission for appointment in the departmental service in the District of Columbia shall be accompanied by a certificate of an officer, with his official seal attached, of the county and State of which the applicant claims to be a citizen, that such applicant was, at the time of making such application, a legal or voting resident of said State, and had been such resident for a period of not less than one year next preceding, or a statement under oath setting forth his or her legal or voting residence for one year next preceding the time of making such application, and such statement shall be accompanied by letters from three reputable citizens of the State in which residence is claimed, corroborating such statement, but this provision shall not apply to persons who may be in the service with civil-service status and seek promotion or appointment in other branches of the Government.³

Fourth, that there shall be a period of probation before any absolute appointment or employment aforesaid.

Fifth, that no person in the public service is for that reason under any obligations to contribute to any political fund, or to render any political service, and that he will not be removed or otherwise prejudiced for refusing to do so.

Sixth, that no person in said service has any

³ As amended by the act of October 28, 1949 (Public Law 425, 81st Cong.).

right to use his official authority or influence to coerce the political action of any person or body.

And no person shall be discriminated against in any case because of his or her marital status in examination, appointment, reappointment, reinstatement, reemployment, promotion, transfer, retransfer, demotion, removal, or retirement. All acts or parts of acts inconsistent herewith are hereby repealed.¹

Seventh, there shall be noncompetitive examinations in all proper cases before the Commission, when competent persons do not compete, after notice has been given of the existence of the vacancy, under such rules as may be prescribed by the commissioners as to the manner of giving notice.

Eighth, that notice shall be given in writing by the appointing power to said Commission of the persons selected for appointment or employment from among those who have been examined, of the place of residence of such persons, of the rejection of any such persons after probation, of transfers, resignations, and removals, and of the date thereof, and a record of the same shall be kept by said Commission. And any necessary exceptions from said eight fundamental provisions of the rules shall be set forth in connection with such rules, and the reasons therefor shall be stated in the annual reports of the Commission.

Ninth, that no person shall be discriminated against in any case because of any physical handicap, in examination, appointment, reappointment, reinstatement, reemployment, promotion, transfer, retransfer, demotion, or removal, with respect to any position the duties of which, in the opinion of the Civil Service Commission, may be efficiently performed by a person with such a physical handicap: *And provided further*, That such employment will not be hazardous to the appointee or endanger

¹ As amended by the act of July 26, 1937 (50 Stat. 533; 5 U. S. C. 633). This amendment repealed section 213 of the "Economy Act" of June 30, 1932 (47 Stat. 406), which gave preference in appointment to competitive service, and in retention during reduction in force in any branch or service of the United States Government or the District of Columbia, to persons other than married persons living with husband or wife, if such husband or wife was in the service of the United States or the District of Columbia.

the health or safety of his fellow employees or others.

Third. Said Commission shall, subject to the rules that may be made by the President, make regulations for, and have control of, such examinations,³ and, through its members or the examiners, it shall supervise and preserve the records of the same; and said Commission shall keep minutes of its own proceedings.

Fourth. Said Commission may make investigations concerning the facts, and may report upon all matters touching the enforcement and effects of said rules and regulations, and concerning the action of any examiner or board of examiners hereinafter provided for, and its own subordinates, and those in the public service, in respect to the execution of this act.

Fifth. Said Commission shall make an annual report to the President for transmission to Congress, showing its own action, the rules and regulations and the exceptions thereto in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act.

SEC. 3. That said Commission is authorized to employ a chief examiner,⁴ a part of whose duty it shall be, under its direction, to act with the examining boards, so far as practicable, whether at Washington or elsewhere, and to secure accuracy, uniformity, and justice in all their proceedings, which shall be at all times open to him. The chief examiner shall be entitled to receive a salary at the rate of three thousand dollars a year, and he shall be paid his necessary traveling expenses incurred in the discharge of his duty. The Commission shall have a secretary, to be appointed by the President, who shall receive a salary of one thousand six hundred dollars per annum.⁴ It may, when necessary, employ a stenographer and a messenger, who shall be paid, when employed, the former at the rate of one thousand six hundred dollars a year, and the latter at the rate of six hundred dollars a year. The Commission shall, at Washington, and in one or more places in each State and Territory where examinations are to take place, designate and select a suit-

² As amended June 10, 1948.

³ The Commission's regulations begin on page 19.

⁴ See Reorganization Plan No. 5 of 1949, page 7.

able number of persons, not less than three, in the official service of the United States, residing in said State or Territory, after consulting the head of the department or office in which such persons serve, to be members of boards of examiners, and may at any time substitute any other person in said service living in such State or Territory in the place of anyone so selected. Such boards of examiners shall be so located as to make it reasonably convenient and inexpensive for applicants to attend before them; and where there are persons to be examined in any State or Territory, examinations shall be held therein at least twice in each year. It shall be the duty of the collector, postmaster, and other officers of the United States, at any place outside of the District of Columbia where examinations are directed by the President or by said board to be held, to allow the reasonable use of the public buildings for holding such examinations, and in all proper ways to facilitate the same.

SEC. 4. That it shall be the duty of the Secretary of the Interior to cause suitable and convenient rooms and accommodations to be assigned or provided, and to be furnished, heated, and lighted, at the city of Washington, for carrying on the work of said Commission and said examinations, and to cause the necessary stationery and other articles to be supplied, and the necessary printing to be done for said Commission.⁸

SEC. 5. That any said commissioner, examiner, copyist, or messenger, or any person in the public service who shall willfully and corruptly, by himself or in cooperation with one or more other persons, defeat, deceive, or obstruct any person in respect of his or her right of examination according to any such rules or regulations, or who shall willfully, corruptly, and falsely mark, grade, estimate, or report upon the

⁸ The act of May 29, 1920 (41 Stat. 642; 40 U. S. C. 42), provides as follows:

"The duty placed upon the Secretary of the Interior by section 4 of an act entitled 'An act to regulate and improve the civil service of the United States', approved January 16, 1883, shall be performed on and after July 1, 1920, by the Civil Service Commission."

examination or proper standing of any person examined hereunder, or aid in so doing, or who shall willfully and corruptly make any false representations concerning the same or concerning the person examined, or who shall willfully and corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed, or promoted, shall for each such offense be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment not less than ten days, nor more than one year, or by both such fine and imprisonment.

SEC. 6. That within sixty days after the passage of this act it shall be the duty of the Secretary of the Treasury, in as near conformity as may be to the classification of certain clerks now existing under the one hundred and sixty-third section of the Revised Statutes, to arrange in classes the several clerks and persons employed by the collector, naval officer, surveyor, and appraisers, or either of them, or being in the public service, at their respective offices in each customs district where the whole number of said clerks and persons shall be altogether as many as fifty. And thereafter, from time to time, on the direction of the President, said Secretary shall make the like classification or arrangement of clerks and persons so employed, in connection with any said office or offices, in any other customs district. And, upon like request, and for the purposes of this act, said Secretary shall arrange in one or more of said classes, or of existing classes, any other clerks, agents, or persons employed under his Department in any said district not now classified; and every such arrangement and classification upon being made shall be reported to the President.

Second. Within said sixty days it shall be the duty of the Postmaster General, in general conformity to said one hundred and sixty-third section, to separately arrange in classes the several clerks and persons employed, or in the

public service, at each post office, or under any postmaster of the United States, where the whole number of said clerks and persons shall together amount to as many as fifty. And thereafter, from time to time, on the direction of the President, it shall be the duty of the Postmaster General to arrange in like classes the clerks and persons so employed in the Postal Service in connection with any other post office; and every such arrangement and classification upon being made shall be reported to the President.

Third. That from time to time said Secretary, the Postmaster General, and each of the heads of departments mentioned in the one hundred and fifty-eighth section of the Revised Statutes, and each head of an office, shall, on the direction of the President, and for facilitating the execution of this act, respectively revise any then existing classification or arrangement of those in their respective departments and offices, and shall, for the purposes of the examination herein provided for, include in one or more of such classes, so far as practicable, subordinate places, clerks, and officers in the public service pertaining to their respective departments not before classified for examination.

SEC. 7. That after the expiration of six months from the passage of this act no officer or clerk shall be appointed, and no person shall be employed to enter or be promoted in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules, until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith. But nothing herein contained shall be construed to take from those honorably discharged from the military or naval service any preference conferred by the seventeen hundred and fifty-fourth section of the Revised Statutes,⁹ nor to take from the

⁹ Section 1754 of the Revised Statutes (5 U. S. C. 35) granted preference in appointments to civil offices to "persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty." For current veteran preference provisions, see the Veterans' Preference Act of 1944, page 9; section 18 of this act preserves previous veteran preference rights.

President any authority not inconsistent with this act conferred by the seventeen hundred and fifty-third section of said statutes; nor shall any officer not in the executive branch of the Government, or any person merely employed as a laborer or workman, be required to be classified hereunder;¹⁰ nor, unless by direction of the Senate, shall any person who has been nominated for confirmation by the Senate be required to be classified or to pass an examination.¹¹

SEC. 8. That no person habitually using intoxicating beverages to excess shall be appointed to, or retained in, any office, appointment, or employment to which the provisions of this act are applicable.

SEC. 9. That whenever there are already two or more members of a family in the public service in the grades covered by this act, no other member of such family shall be eligible to appointment to any of said grades.

SEC. 10. That no recommendation of any person who shall apply for office or place under the provisions of this act which may be given by any Senator or Member of the House of Representatives, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any examination or appointment under this act.

SEC. 11. * * * 12

SEC. 12. * * * 12

SEC. 13. * * * 12

SEC. 14. * * * 12

SEC. 15. * * * 12

¹⁰ In minute 2 of March 6, 1941, the Commission held that unclassified laborer positions may be included in the competitive service under the act of November 26, 1940 (54 Stat. 1211; 5 U. S. C. 631a).

¹¹ The act of June 25, 1938 (52 Stat. 1076; 39 U. S. C. 31), as amended, provides for the appointment in accordance with the provisions of the Civil Service Act and rules of Presidential postmasters.

¹² Sections 11 to 15 of the Civil Service Act, relating to political contributions, were revoked by section 341 of the act of March 4, 1909 (35 Stat. 1153) and were reenacted by the same statute as sections 118 to 122 of the Criminal Code (18 U. S. C. 208-212).

Reorganization Plan No. 5 of 1949

Effective August 20, 1949, under the provisions of section 6 of the Reorganization Act of 1949 (Public Law 109, 81st Congress, approved June 20, 1949).

CIVIL SERVICE COMMISSION

SEC. 1. Chairman, United States Civil Service Commission.—The President of the United States shall from time to time designate one of the Civil Service Commissioners constituting the United States Civil Service Commission (hereinafter referred to as the Commission) as the presiding head of the Commission with the title of "Chairman, United States Civil Service Commission."

SEC. 2. Functions of Chairman.—(a) In order to facilitate the most effective and expeditious administration of civil-service matters and related affairs, there are hereby transferred to the Chairman, United States Civil Service Commission, hereinafter referred to as the Chairman, who shall be the chief executive and administrative officer of the Commission:

(1) The functions of the President of the Commission;

(2) The functions of the Executive Director and Chief Examiner of the Commission and of the Secretary thereof;

(3) The functions of the Commission with respect to the appointment of personnel employed under the Commission: *Provided*, That employees who are engaged regularly and full time in assisting the Commission in the performance of the functions reserved to it under sections 2 (a) (6) (i) to 2 (a) (6) (vii), inclusive, of this reorganization plan shall be appointed by the Commission: *And provided further*, That the regional directors, and the heads of the major administrative units reporting directly to the Chairman or to the Executive Director, shall be appointed by the Chairman

only after consultation with the other Civil Service Commissioners;

(4) The functions of the Commission with respect to the direction of employees of the Commission, the supervision of all activities of such employees, the distribution of business among employees and organizational units of the Commission, and the direction of the internal management of the Commission's affairs: *Provided*, That there are not transferred by the provisions of this section 2 (a) (4) any functions with respect to employees whose appointment remains vested in the Commission under the first proviso of section 2 (a) (3), above;

(5) The functions of the Commission with respect to directing the preparation of the budget estimates and with respect to the use and expenditure of funds; and

(6) The functions of the Commission with respect to executing, administering, and enforcing (A) the civil-service rules and regulations of the President of the United States and of the Commission and the laws governing the same, and (B) the other activities of the Commission, including retirement and classification activities: *Provided*, That there are not transferred by the provisions of this section 2 (a) (6) the functions of the Commission with respect to:

(i) The preparation of suitable rules in accordance with the provisions of the first subsection of section 2 of the Act of January 16, 1883 (ch. 27, 22 Stat. 403), and the making of an

annual report under the fifth sub-

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(ii) The promulgation of any rules, regulations, or similar policy directives, now vested in the Commission;

(iii) The prevention of pernicious political activities, including such functions under the Act of July 19, 1940 (54 Stat. 767), as amended;

(iv) The hearing or providing for the hearing of appeals, including appeals with respect to examination ratings, veterans' preference, racial and religious discrimination, disciplinary action, efficiency ratings, and dismissals, and the taking of such final action on such appeals as is now authorized to be taken by the Commission;

(v) The recommendation to the President for transmission to the Congress of such legislative or other measures as will promote an efficient Federal service and a systematic application of merit system principles, including measures relating to the selection, promotion, transfer, performance, pay, conditions of service, tenure, and separation of Federal employees;

(vi) The investigation of matters pertaining to the administration of functions of the Commission or Chairman; nor

(vii) The revision and submission to

the Bureau of the Budget of budget

(b) The functions transferred by the provisions of sections 2 (a) (2) to 2 (a) (6), inclusive, of this reorganization plan shall be performed by the Chairman or, subject to his direction and control, by such officers and employees under his jurisdiction as he shall designate.

(c) Each Civil Service Commissioner, including the Chairman, and duly authorized representatives of the Commission or Chairman, shall have authority to administer oaths pursuant to section 1 of the Act of August 23, 1912 (ch. 350 (37 Stat. 372)).

SEC. 3. Executive Director.—There shall be under the Chairman an Executive Director who shall be appointed by the Chairman under the classified civil service. During the absence or disability of the Chairman, or in the event of a vacancy in the office of Chairman, the Executive Director shall perform those functions of the Chairman which are transferred to the Chairman by the provisions of sections 2 (a) (2) to 2 (a) (6), inclusive, of this reorganization plan unless the President shall designate another person so to perform said functions: *Provided*, That the Executive Director shall at no time sit as a member or acting member of the Commission.

SEC. 4. Offices abolished.—The heretofore existing offices of Executive Director and Chief Examiner, and the office of Secretary of the Commission and the title of "President of the United States Civil Service Commission" are hereby abolished.

Veterans' Preference Act of 1944, as Amended

[Act of June 27, 1944, 58 Stat. 387; 5 U. S. C. Sup. 851 et seq.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "Veterans' Preference Act of 1944."

SEC. 2. In certification for appointment, in appointment, in reinstatement, in reemployment, and in retention in civilian positions in all establishments, agencies, bureaus, administrations, projects, and departments of the Government, permanent or temporary, and in either (a) the classified civil service; (b) the unclassified civil service; (c) any temporary or emergency establishment, agency, bureau, administration, project, and department created by acts of Congress or Presidential Executive order; and (d) the civil service of the District of Columbia, preference shall be given to (1) those ex-servicemen and women who have served on active duty in any branch of the armed forces of the United States and have been separated therefrom under honorable conditions and who have established the present existence of a service-connected disability or who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans Administration, the War Department or the Navy Department; (2) the wives of such service-connected disabled ex-servicemen as have themselves been unable to qualify for any civil-service appointment; (3) the unmarried widows of deceased ex-servicemen who served on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and who were separated therefrom under honorable conditions; and (4) those ex-servicemen and women who have served on active duty in any branch of the armed forces of the United States, during any war, or in any campaign or expedition (for

which a campaign badge has been authorized), and have been separated therefrom under honorable conditions; (5) widowed mothers (if they have not remarried or, if they have remarried, they are divorced or legally separated from their husband or such husband is dead at the time preference is claimed)¹

(A) of deceased ex-servicemen or ex-servicewomen who lost their lives while on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), or

(B) of service-connected permanently and totally disabled ex-servicemen or ex-servicewomen,

if said ex-serviceman or ex-servicewoman was separated from such armed forces under honorable conditions; and (6) a mother of a deceased ex-serviceman or ex-servicewoman who lost his or her life while on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), or of a service-connected permanently and totally disabled ex-serviceman or ex-servicewoman, if (A) said ex-serviceman or ex-servicewoman was separated from such armed forces under honorable conditions, (B) the mother was divorced or separated from the father of said ex-serviceman son or ex-servicewoman daughter, and (C) the mother has not remarried or, if she has remarried, she is divorced or legally separated from her husband or such husband is dead at the time preference is claimed.¹

¹ As amended by Public Law 396, 80th Cong., approved January 19, 1948; Public Law 888, 80th Cong., approved July 2, 1948; and Public Law 269, 81st Cong., approved August 26, 1949.

SEC. 3. In all examinations to determine the qualifications of applicants for entrance into the service ten points shall be added to the earned ratings of those persons included under section 2 (1), (2), (3), (5), and (6), and five points shall be added to the earned ratings of those persons included under section 2 (4) of this act: *Provided*, That in examinations for the positions of guards, elevator operators, messengers, and custodians competition shall be restricted to persons entitled to preference under this act as long as persons entitled to preference are available and during the present war and for a period of five years following the termination of the present war as proclaimed by the President or by a concurrent resolution of the Congress for such other positions as may from time to time be determined by the President.¹

SEC. 4. In examinations where experience is

and element to qualification time spent in the military or naval service of the United States shall be credited in a veteran's rating where his or her actual employment in a similar vocation to that for which he or she is examined was interrupted by such military or naval service. In all examinations to determine the qualifications of a veteran applicant, credit shall be given for all valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless

¹ For the purposes of section 3 of the act, the "termination of the present war" is July 25, 1947 (act of July 25, 1947, Public Law 239, 80th Cong.). Hence this date is the starting point of the five-year period during which the President may restrict competition to persons entitled to veteran preference.

of whether any compensation was received therefor. Approved For Release 2001/11/16 : CIA-RDP57-00384R000500100036-9

SEC. 5. In determining qualifications for examination, appointment, promotion, retention, transfer, or reinstatement, with respect to preference eligibles, the Civil Service Commission or other examining agency shall waive requirement as to age, height, and weight, provided any such requirement is not essential to the performance of the duties of the position for which examination is given. The Civil Service Commission or other examining agency, after giving due consideration to the recommendation of any accredited physician, shall waive the physical requirements in the case of any veteran, provided such veteran is, in the opinion of the Civil Service Commission, or other examining agency physically able to discharge efficiently the duties of the position for which the examination is given. No minimum educational requirement will be prescribed in any civil-service examination except for such scientific, technical, or professional positions the duties of which the Civil Service Commission decides cannot be performed by a person who does not have such education. The Commission shall make a part of its public records its reasons for such decisions.

SEC. 6. Preference eligibles shall not be subject to the provisions of section 9 of the Civil Service Act concerning two or more members of a family in the service, or to the provisions of section 2 of that act concerning apportionment of appointments in the Government departments in the District of Columbia among the several States and Territories according to population, but may be required to furnish evidence of residence and domicile.

SEC. 7. The names of preference eligibles shall be entered on the appropriate registers or lists of eligibles in accordance with their respective augmented ratings, and the name of a preference eligible shall be entered ahead of all others having the same rating: *Provided*, That, except for positions in the professional and scientific services for which the entrance salary is over \$3,000 per annum, the names of all quali-

fication preference eligibles shall be placed at the top of the appropriate civil-service register or employment list, in accordance with their respective augmented ratings.

SEC. 8. When, in accordance with civil-service laws and rules, a nominating or appointing officer shall request certification of eligibles for appointment purposes, the Civil Service Commission shall certify, from the top of the appropriate register of eligibles, a number of names sufficient to permit the nominating or appointing officer to consider at least three names in connection with each vacancy. The nominating or appointing officer shall make selection for each vacancy from not more than the highest three names available for appointment on such certification, unless objection shall be made, and sustained by the Commission, to one or more of the persons certified, for any proper and adequate reason, as may be prescribed in the rules promulgated by the Civil Service Commission: *Provided*, That an appointing officer who passes over a veteran eligible and selects a nonveteran shall file with the Civil Service Commission his reasons in writing for so doing, which shall become a part of the record of such veteran eligible, and shall be made available upon request to the veteran or his designated representative; the Civil Service Commission is directed to determine the sufficiency of such submitted reasons and, if found insufficient, shall require such appointing officer to submit more detailed information in support thereof; the findings of the Civil Service Commission as to the sufficiency or insufficiency of such reasons shall be transmitted to and considered by such appointing officer, and a copy thereof shall be sent to the veteran eligible or to his designated representative upon request therefor: *Provided further*, That if, upon certification, reasons deemed sufficient by the Civil Service Commission for passing over his name shall three times have been given by an appointing officer, certification of his name for appointment may thereafter be discontinued, prior notice of which shall be sent to the veteran eligible. Whenever in the

Postal Service two or more substitutes are appointed on the same day, they shall be promoted to the regular force in the order in which their names appeared on the civil-service register from which they were originally appointed, whenever there are substitutes of the required sex who are eligible and will accept, unless such vacancies are filled by transfer or reinstatement.

SEC. 9. In the unclassified Federal, and District of Columbia, civil service, and in all other positions and employment hereinbefore referred to in (c) of section 2 hereof, the nominating or appointing officer or employing official shall make selection from the qualified applicants in accordance with the provisions of this act.

SEC. 10. The Civil Service Commission is authorized and directed to hold an examination, during the next succeeding quarterly period, for any position to which any appointment has been made within the preceding three years, for any person included under section 2 (1), (2), (3), (5), and (6) of this act upon application for examination for any such position.

SEC. 11. The Civil Service Commission is hereby authorized to promulgate appropriate rules and regulations for the administration and enforcement of the provisions of this act.

SEC. 12. In any reduction in personnel in any civilian service of any Federal agency, competing employees shall be released in accordance with Civil Service Commission regulations which shall give due effect to tenure of employment, military preference, length of service, and efficiency ratings: *Provided*, That the length of time spent in active service in the armed forces of the United States of each such employee shall be credited in computing length of total service: *Provided further*, That preference employees whose efficiency ratings are "good" or better shall be retained in preference to all other competing employees and that preference employees whose efficiency ratings are below "good" shall be retained in preference to competing nonpreference employees who have equal or lower efficiency ratings: *And provided further*, That when any or all of the functions of any agency are transferred to, or when any agency is replaced by, some other agency, or

agencies, all preference employees in the function or functions transferred or in the agency which is replaced by some other agency shall first be transferred to the replacing agency, or agencies, for employment in positions for which they are qualified, before such agency, or agencies, shall appoint additional employees from any other source for such positions.

SEC. 13. Any preference eligible who has resigned or who has been dismissed or furloughed may, at the request of any appointing officer, be certified for, and appointed to, any position for which he may be eligible in the civil service, Federal, or District of Columbia, or in any establishment, agency, bureau, administration, project, or department, temporary or permanent.

SEC. 14. No permanent or indefinite preference eligible, who has completed a probationary or trial period employed in the civil service, or in any establishment, agency, bureau, administration, project, or department, hereinbefore referred to shall be discharged, suspended for more than thirty days, furloughed without pay, reduced in rank or compensation, or debarred for future appointment except for such cause as will promote the efficiency of the service and for reasons given in writing, and the person whose discharge, suspension for more than thirty days, furlough without pay, or reduction in rank or compensation is sought shall have at least thirty days' advance written notice (except where there is reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed), stating any and all reasons, specifically and in detail, for any such proposed action; such preference eligible shall be allowed a reasonable time for answering the same personally and in writing, and for furnishing affidavits in support of such answer, and shall have the right to appeal to the Civil Service Commission from an adverse decision of the administrative officer so acting, such appeal to be made in writing within a reasonable length of time after the date of receipt of notice of such adverse decision: *Provided*, That such preference eligible shall have the right to make a personal appearance, or an appearance through a designated repre-

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representative, in accordance with such rules and regulations as may be issued by the Civil Service Commission; after investigation and consideration of the evidence submitted, the Civil Service Commission shall submit its findings and recommendations to the proper administrative officer and shall send copies of same to the appellant or to his designated representative, and it shall be mandatory for such administrative officer to take such corrective action as the Commission finally recommends:¹ *Provided further*, That the Civil Service Commission may declare any such preference eligible who may have been dismissed or furloughed without pay to be eligible for the provisions of section 15 hereof.

SEC. 15. Any preference eligible, who has been furloughed, or separated without delinquency or misconduct, upon request, shall have his name placed on all appropriate civil-service registers and/or on all employment lists, for every position for which his qualifications have been established, as maintained by the Civil Service Commission, or as shall be maintained by any agency or project of the Federal Government, or of the District of Columbia, in the order as provided in section 7 hereof, and shall then be eligible for recertification and reappointment in the order and according to the procedure as provided for in sections 7 and 8 hereof. No appointment shall be made from an examination register of eligibles, except of ten-point preference eligibles, when there are three or more names of preference eligibles on any appropriate reemployment list for the position to be filled.

SEC. 16. Any preference eligible who has resigned shall, upon request to the Civil Service Commission, have his name again placed on all proper civil-service registers for which he may have been qualified, in the order as provided for in section 7 hereof, and shall then be eligible for recertification and reappointment in the order, and according to the procedure, as provided for in sections 7 and 8 hereof.

SEC. 17. The term "Civil Service Commission" or "Commission" as used in this Act shall

¹ As amended by Pub. Law 325, 80th Cong., approved August 4, 1947.

mean the United States Civil Service Commission or any body or person who may by law succeed to its powers and duties, or any of them, or which or who may be designated by law to perform any specific duty and possess any specific power concerning matters covered by this act.

SEC. 18. All acts and parts of acts inconsistent with the provisions hereof are hereby modified to conform herewith, and this act shall not be construed to take away from any preference eligible any rights heretofore granted to, or possessed by, him under any existing law, Executive order, civil-service rule or regulation, of any department of the Government or officer thereof.

SEC. 19. It shall be the authority and duty of the Civil Service Commission in all cases under the classified civil service to make and enforce appropriate rules and regulations to carry into full effect the provisions, intent, and purpose of this act and such Executive orders as may be issued pursuant thereto and in furtherance thereof; *Provided*, That any recommendation by the Civil Service Commission, submitted to any Federal agency, on the basis of the appeal of any preference eligible, employee or former employee, shall be complied with by such agency.²

SEC. 20. Nothing contained in this act is intended to apply to any position in or under the legislative or judicial branch of the Government or to any position or appointment which by the Congress is required to be confirmed by, or made with, the advice and consent of the United States Senate: *Provided, however*, That the provisions of this act shall apply to appointments under Public Law Numbered 720, Seventy-fifth Congress, third session, approved June 25, 1938.³

SEC. 21. If any part of this act shall be found to be unconstitutional, the rest of it shall be considered as in full force and effect.

² As amended by Pub. Law 741, 80th Cong., approved June 22, 1948.

³ "An act extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes", approved June 25, 1938 (52 Stat. 1076; 5 U. S. C. 30, 31a, 31b, and 39a).

Executive Order 10180

Establishing Special Personnel Procedures in the Interest of the National Defense

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 403), by section 3 of the Civil Service Retirement Act of May 29, 1930, as amended by section 3 of the act of January 24, 1942, 56 Stat. 15, by section 1753 of the Revised Statutes (5 U. S. C. 631), and in effectuation of the purposes of section 1302 of the Supplemental Appropriation Act, 1951 (Public Law 843, 81st Congress), it is hereby ordered as follows:

SECTION 1. (a) On and after December 1, 1950, and until such time as the President may find it no longer necessary in the interest of the national defense, all appointments in the executive branch of the Government shall be made on a nonpermanent basis except those of Presidential appointees and postmasters in all classes of post offices: *Provided*, That permanent appointments are authorized whenever, in unusual circumstances, the Civil Service Commission for positions in the competitive service, or the head of the agency concerned for positions outside the competitive service, determines that permanent appointments are in the interest of the Government: *And provided further*, That agencies may appoint on a permanent basis persons selected for permanent appointment prior to December 1, 1950.

(b) On and after September 1, 1950, and until such time as the President may find it no longer necessary in the interest of the national defense, all promotions, transfers of personnel from one agency to another, and, except as provided by section 2 (b) hereof, reemployment of former Federal employees shall be on a nonpermanent basis; and on and after December 1, 1950, any reassignment may, in the discretion

of the head of the agency concerned, be on either a permanent or nonpermanent basis.

(c) To the extent not inconsistent with this order, appointments and position changes in the competitive service shall be made in accordance with civil service laws, rules, and regulations, and appointments and position changes outside the competitive service shall be made in accordance with such regulations and practices as the head of the agency concerned shall find necessary.

(d) In making appointments under this order in the competitive service, the recruiting facilities of the Commission and its boards and committees of examiners shall be used to the fullest extent.

SEC. 2. (a) The Civil Service Commission, whenever it determines it to be necessary in the interest of the national defense, shall prescribe regulations governing the release of employees (both within and outside the competitive service) by any agency in the executive branch of the Government for employment in any other agency, and governing the establishment, granting, and exercise of rights to reemployment in the agencies from which employees are released.

(b) In carrying out the provisions of section 9 of the Selective Service Act of 1948, as amended, or any other legal authority granting the right to reemployment in the Federal service, the Commission shall prescribe regulations limiting the right to reemployment of an individual to employment in the last position he occupied on a permanent basis or in one of equal seniority, status, and pay: *Provided*, That in such cases the Commission may by regulation provide for

nonpermanent reemployment in a position of higher grade or salary.

SEC. 3. Persons given nonpermanent appointments pursuant to section 1 of this order are hereby excluded from the operation of the Civil Service Retirement Act of May 29, 1930, as amended, unless eligible for retirement benefits by continuity of service or by reinstatement, or otherwise.

SEC. 4. The Civil Service Commission is authorized to prescribe regulations and procedures, in addition to those otherwise authorized herein, for carrying out its functions and duties under this order.

HARRY S. TRUMAN

THE WHITE HOUSE,

November 13, 1950.

Executive Order 9830

Amending the Civil Service Rules and Providing for Federal Personnel Administration

By virtue of the authority vested in me by the Constitution, by section 1753 of the Revised Statutes (5 U. S. C. 631), by the Civil Service Act of January 16, 1883 (22 Stat. 403), and as President of the United States, it is hereby ordered as follows, effective May 1, 1947:

PART I—ORGANIZATION FOR PERSONNEL ADMINISTRATION

Organization for personnel administration in the executive branch of the Federal Government is hereby prescribed as follows:

SEC. 01.1 Responsibility for personnel management. Personnel management is a primary responsibility of all who plan, direct, or supervise the work of Federal employees. Personnel management methods should be consistent for the Government as a single employer and yet be sufficiently flexible to meet the diversified conditions in the Federal service.

SEC. 01.2 Civil Service Commission responsibilities under this order. (a) The Commission shall be responsible to the President for the proper application of the Civil Service Act and Rules, the Veterans' Preference Act, and all other applicable statutes and Executive orders imposing responsibilities on the Commission.

(b) The Commission shall exercise and provide leadership in personnel matters throughout the Federal service, and in the discharge of this responsibility shall, whenever practicable, consult Federal agencies.

(c) The Commission shall develop and promulgate standards, applicable to the competitive service and designed to protect and promote its efficiency, for the reinstatement or reemployment of former Federal employees, and for the promotion, demotion, reassignment, and transfer of present employees. The Commission shall also determine the applicability,

in general and in specific cases, of the reemployment provisions of (1) section 8 of the Selective Training and Service Act of 1940 (54 Stat. 890) as amended (50 U. S. C. App. 308), to persons who left the Federal service to serve in the armed forces of the United States, and (2) section 2 of the act of June 23, 1943, 57 Stat. 162, as amended (50 U. S. C. App. 1472), to persons who left the Federal service to serve in the merchant marine; and the Commission may issue such regulations or instructions as it may deem necessary or appropriate for carrying out the said reemployment provisions.¹

(d) The Commission shall prescribe procedures to be followed by agencies in connection with removals, demotions, and suspensions in the competitive service which will insure equitable and uniform treatment to employees against whom adverse action is proposed.

(e) The Commission shall, when consistent with law and with the economical and efficient administration of the Government, delegate to the agencies its authority to act in personnel matters in accordance with standards issued by the Commission.

(f) The Commission shall maintain an adequate system of inspection to determine that equitable and sound application of statutes, Executive orders, regulations and standards relating to personnel management is being carried out by the agencies. Whenever the inspection indicates failure on the part of an agency to adhere to established policies, regulations and standards, the Commission shall take such action as may be appropriate to bring about adherence thereto. In this connection, the Commission may suspend or revoke any delegation of its authority.

(g) The Commission shall in the exercise of its personnel functions give all practicable

¹ As amended May 21, 1948.

assistance to international organizations in which the head of the agency shall cooperate with the Puerto Rico civil service board, and to such Federal, Territorial, State, or local agencies as shall request its cooperation and offer like cooperation, including, when appropriate, the sharing of any necessary expenses. Under such regulations as may be jointly agreed upon, the Commission shall conduct or join with such agencies in conducting examinations or other personnel functions. In its discretion, the Commission may certify eligibles from appropriate registers maintained by the Puerto Rico civil service board, Federal or Territorial boards, or civil service boards of State and local agencies, if such boards agree, and the Commission finds that the requirements of law concerning appointments to the competitive service have been met. If such boards so desire, they may, upon agreement with the Commission, certify eligibles from appropriate registers maintained by the Commission.

SEC. 01.3 Agency responsibilities for personnel management. (a) The head of each agency, in accordance with applicable statutes, Executive orders, and rules, shall be responsible for personnel management in his agency. To assist and advise him in carrying out this responsibility he shall maintain or establish such office or division of personnel as may be required. He shall designate a director of personnel or other similarly responsible official to be in charge of such office or division. Such director or other official shall represent the head of the agency in personnel matters, subject to his instructions.

(b) The head of each agency shall provide for the cooperation of his agency with the Civil Service Commission in the conduct of personnel matters.

(c) Authority for the conduct of personnel matters within each agency should be delegated to the extent compatible with provisions of law and with economical and efficient administration to those officials responsible for planning, directing, and supervising the work of others. The exercise of such delegated authority shall be subject to policies, rules, regulations and

standards established by the head of the agency, and shall be subject to appropriate review and inspection.

(d) The head of each agency shall remove, demote, or reassign to another position any employee in the competitive service whose conduct or capacity is such that his removal, demotion, or reassignment will promote the efficiency of the service.

SEC. 01.4 Committees of expert examiners and boards of examiners. (a) In order to promote the effective recruitment and placement of persons for the Federal service, the departmental and field service resources of the Federal agencies may be utilized to the extent permitted by law. After consulting the agency or agencies concerned, the Commission may establish in the departmental service committees of examiners, expert in their respective fields, for scientific, professional, or technical positions, and in the field service, boards of examiners for any position. If such a position is peculiar to an agency, the committee or board shall be composed of not less than three qualified officers or employees of the agency concerned. If such a position exists in more than one agency, the committee or board shall be composed of not less than three qualified officers or employees of the agencies concerned.

(b) The work of the committees or boards referred to in this section shall be under the direction and supervision of the Commission in connection with the execution of the Civil Service Act, Rules, and Regulations.

(c) The duties performed by the members of such committees or boards shall be considered part of their official duties and adequate time shall be allowed for their performance by the agency in which they are employed.

(d) Where qualified examiners are not readily available in the Federal service, and to the extent permitted by law, the Commission or the agency concerned may designate and compensate individuals outside the service especially qualified by experience and training to serve as examiners.

SEC. 01.5. Federal Personnel Council. (a) The Council of Personnel Administration shall

hereafter be known as the Federal Personnel Council ~~Approved For Release 2001/11/16~~ Civil Service Commission.

(b) The membership of the Council shall consist of a chairman, the director of personnel or official responsible for personnel matters in each agency subject to the Civil Service Rules, one additional member designated by the Director of the Bureau of the Budget, and such additional member or members as the Commission shall designate.

(c) The Chairman of the Council shall be appointed by the Civil Service Commission after consultation with the Council and shall serve as a member of the staff of the Commission.

(d) The purpose of the Council, functioning as an advisory body, shall be to promote through study and discussion the application, interpretation, and development of personnel policies and practices. Its findings and recommendations shall be submitted to the Commission and may be submitted to the President or to other Federal agencies.

(e) Where there are substantial concentrations of Federal agencies in a geographical area, subsidiary councils may be established and maintained as recommended by the Council and approved by the Commission. The membership of such councils shall consist of the heads of field establishments in such areas or their designated representatives and of the designated representatives of the Commission.

PART II—CIVIL SERVICE RULES

NOTE: The six civil service rules, which were issued as Part II of Executive Order 9830, are printed with the first six regulations, beginning on page 19. For example, Rule I is printed as part of Part I of the Rules and Regulations (page 19). The rules are distinguishable from the regulations by the numbers following the decimal points; for example, the first section of Rule II is numbered "2.1," while the first section of Regulation 2 is numbered "2.101."

PART III

The following Executive orders are hereby revoked:

No. 279 of November 29, 1904.
No. 283 of December 8, 1904.

No. 294 of February 15, 1905.

No. 458 of June 13, 1906.

No. 715 of November 22, 1907.

No. 983 of November 30, 1908.

No. 1065 of April 21, 1909.

No. 1153 of January 12, 1910.

No. 2357 of April 11, 1916.

No. 3108 of June 30, 1919.

Unnumbered order of June 2, 1920, concerning reinstatement of persons nearing retirement age.

No. 4523 of October 18, 1926.

No. 5924 of September 20, 1932.

Unnumbered order of February 19, 1934, concerning negotiations for transfer.

No. 7915 of June 24, 1938.

No. 7916 of June 24, 1938.

No. 7975-A of September 16, 1938.

No. 8083 of April 10, 1939.

No. 8179 of June 21, 1939.

No. 8214 of July 25, 1939.

No. 8257 of September 21, 1939.

No. 8283 of November 9, 1939.

No. 8300 of December 12, 1939.

No. 8423 of May 28, 1940.

No. 8425 of May 29, 1940.

No. 8467 of July 1, 1940.

No. 8564 of October 8, 1940.

No. 8587 of November 7, 1940.

No. 8705 of March 5, 1941.

No. 8707 of March 10, 1941.

No. 8760 of May 27, 1941.

No. 8894 of September 8, 1941.

No. 8937 of November 7, 1941.

No. 9004 of December 30, 1941.

No. 9027 of January 16, 1942.

No. 9052 of February 6, 1942.

No. 9200 of July 16, 1942.

No. 9239 of September 8, 1942.

No. 9298 of February 2, 1943.

No. 9333 of April 19, 1943.

No. 9394 of November 4, 1943.

No. 9405 of December 17, 1943.

No. 9503 of November 27, 1944.

No. 9538 of April 13, 1945.

No. 9579 of June 30, 1945.

No. 9598 of August 17, 1945.

No. 9619 of September 19, 1945.

No. 9644 of October 19, 1945.

No. 9653 of November 1, 1945.

No. 9668 of December 28, 1945.

No. 9688 of January 31, 1946.

No. 9691 of February 4, 1946.

No. 9733 of June 4, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 24, 1947.

RULES AND REGULATIONS

Part 1—Coverage

CIVIL SERVICE RULE I

Sec.

1.1 Positions and employees affected by these Rules.

REGULATIONS UNDER CIVIL SERVICE RULE I

1.101 Coverage of the Commission's regulations.

AUTHORITY: SECS. 1.1 to 1.101, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE I—COVERAGE OF THESE RULES

SEC. 1.1 Positions and employees affected by these Rules. (a) These Rules shall apply to all positions in the competitive service. As used in these Rules, the words "competitive service" shall have the same meaning as the words "classified service," or "classified (competitive) service," or "classified civil service" as defined in existing statutes and Executive orders. The competitive service shall include all civilian positions in the executive branch of the Government unless specifically excepted therefrom under statute or Executive order, and all positions in the legislative and judicial branches of the Federal Government and in the Government of the

District of Columbia which are specifically made subject thereto by statute. Whenever there is a doubt the Commission shall determine whether a position is in the competitive service.

(b) Persons occupying such positions shall be considered as being in the competitive service when they have a competitive status. A competitive status shall mean a status which permits a person to be promoted, transferred, reassigned, and reinstated to positions in the competitive service without competitive examination, subject to the conditions prescribed by the Civil Service Rules and Regulations for such non-competitive actions. A competitive status shall be acquired by probational appointment through competitive examination, or may be granted by statute, Executive order, or the Civil Service Rules.

REGULATIONS UNDER CIVIL SERVICE RULE I

SEC. 1.101 Coverage of the Commission's regulations. Except as otherwise indicated in the part concerned, the regulations in this chapter shall apply to all positions and persons subject to the Civil Service Rules.

Part 2—Appointment Through the Competitive System

CIVIL SERVICE RULE II

- Sec.
2.1 Competitive examinations and eligible registers.
2.2 Apportionment.
2.3 Probational and temporary appointments.

REGULATIONS UNDER CIVIL SERVICE RULE II

- 2.101 Examinations.
2.102 Competition restricted to veterans
2.103 Qualifications of applicants.
2.104 Disqualifications of applicants.
2.105 Delayed filing of applications by veterans and
persons serving overseas.
2.106 Competitive rating.
2.107 Eligible registers.
2.108 Termination of eligibility.
2.109 Certification for appointment.
2.110 Apportionment.
2.111 Selection for appointment.
2.112 Appointments may be subject to investigation.
2.113 Probational appointment.
2.114 Temporary appointment.

AUTHORITY: SECS. 2.1 to 2.114, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE II—APPOINTMENT THROUGH THE COMPETITIVE SYS- TEM

SEC. 2.1 Competitive examinations and eligible registers. (a) The Commission shall be responsible for open, competitive examinations for admission to the competitive service which will fairly test the relative capacity and fitness of the persons examined for the position to be filled. The Commission is authorized to establish standards with respect to citizenship, age, education, training and experience, suitability, and physical and mental fitness, and for residence or other requirements which applicants must meet to be admitted to or rated in examinations.

(b) In addition to the names of persons who qualify in competitive examinations, the names of persons who lost eligibility on a probational register because of service in the armed forces subsequent to May 1, 1940, and the names of persons having a competitive status whom the Commission determines should be given further certification may also be entered at such places on appropriate registers and under

such conditions as the Commission may prescribe.

SEC. 2.2 Apportionment. Subject to such modifications as the Commission finds to be necessary in the interest of good administration, appointments to positions in agencies' headquarters offices which are located within the metropolitan area of Washington, D. C., shall be made so as to maintain the apportionment of appointments among the several States, Territories, and the District of Columbia upon the basis of population.

SEC. 2.3 Probational and temporary appointments. (a) Persons selected from eligible registers for other than temporary appointment shall be required to serve a probationary period under such terms and conditions as the Commission may prescribe.

(b) The Commission may determine the types, duration and conditions of war service and other temporary appointments, and may prescribe the method for replacing persons holding such appointments.

REGULATIONS UNDER CIVIL SERVICE RULE II

SEC. 2.101 Examinations. (a) Examinations for original appointment shall be competitive except that noncompetitive examinations may be authorized when sufficient competent persons do not compete. Examinations for promotion, reassignment, transfer and rein statement may be noncompetitive.

SEC. 2.102 Competition restricted to veterans. (a) Competition in examinations for the following positions is restricted by law to veterans as long as they are available: Guard, Elevator Operator, Messenger, and Custodian. It shall be the responsibility of each agency to restrict competition to veterans whenever, under delegated authority, it makes appointments to these positions.

(b) Until July 25, 1952 competition in examinations for the following positions is restricted by Executive order to veterans as long as they are available: Correctional officer,

Bureau of Prisons, Department of Justice; Substitute Railway Postal Clerk, Post Office Department; Assistant Contact Officer, Contact Officer, Contact Representative, and Senior Contact Representative, Veterans' Administration.

(c) (1) A position, examination for which has been restricted to veterans under paragraphs (a) or (b) of this section, may not be filled by appointment, reappointment, reinstatement, promotion, demotion, transfer, or reassignment of a non-veteran from outside the organizational entity in which the position exists, if there is a veteran in the employ of such entity in the local area who is qualified and available for promotion or reassignment to the position, or if there is a total of three or more veterans elsewhere who are qualified and available for an appointment of equal tenure.

(2) The restriction in subparagraph (1) of this paragraph shall not be applicable to the promotion, demotion, transfer, or reassignment of an employee (i) within the organizational entity or (ii) from one restricted position to another when both positions are covered by the same generic title, nor to the reinstatement (i) under the provisions of Section 20.11 of former employees of the agency to the positions from which separated by reduction in force or to positions covered by the same generic title and (ii) of former employees of the agency last separated by disability retirement. An organizational entity for this purpose shall be that part of an agency from which selections for promotion, transfer, or reassignment to the position are normally made.

SEC. 2.103 Qualifications of applicants.—

(a) No person shall be admitted to competitive examination, nor shall he be given appointment, except temporarily in the absence of qualified citizens, unless he is a citizen of or owes allegiance to the United States: *Provided*, That until June 30, 1948, citizens of the Republic of the Philippines may be appointed probationally on the basis of eligibility attained in examinations to which they were admitted prior to July 1, 1947. However, citizens of the Republic of Panama may be admitted to examinations for employment by, and may

be appointed only to positions in the Panama Canal and the Panama Railroad Company in the Canal Zone. The same requirements shall apply in appointment by reinstatement, conversion, and inter-agency transfer.

(b) When a veteran is rated in examinations where experience is an element of qualifications he shall be credited with time spent in the armed forces of the United States either: (1) As an extension of time spent in the position in which employed immediately prior to his entrance into such forces; or (2) on the basis of the actual duties performed therein; or both. Time spent in the armed forces shall be credited according to the method that will be of more benefit to the veteran.

SEC. 2.104 Disqualifications of applicants.

(a) An applicant may be denied examination and an eligible may be denied appointment for any of the following reasons:

(1) Dismissal from employment for delinquency or misconduct.

(2) Physical or mental unfitness for the position for which applied.

(3) Criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct.

(4) Intentional false statements or deception or fraud in examination or appointment.

(5) Refusal to furnish testimony as required by section 5.3 of Rule V.

(6) Habitual use of intoxicating beverages to excess.

(7) On all the evidence, reasonable grounds exist for belief that the person involved is disloyal to the Government of the United States.

(8) Any legal or other disqualification which makes the applicant unfit for the service.

SEC. 2.105 Delayed filing of applications by veterans and persons serving overseas.

(a) A ten-point veteran may file application at any time for any position he may specify for which there is an existing register, or a register about to be established, or to which any probational appointment has been made within the preceding three years. Examinations under this section shall be held not later

than the approved for release 2001/11/16 : CIA-RDP57-00384R000500100036-9 in which the applications were filed.

(b) Applications for an examination for probational appointment will be accepted after the closing date of such examination from the persons described below, subject to the conditions specified:

(1) Any person who was unable to file application for an examination or to appear for any assembled test because of service in the armed forces of the United States, or because of hospitalization continuing for not more than one year following discharge from such forces. He may file for any examination that was open during such service or hospitalization. He may also file application for any examination announced within 120 days of his separation from the armed forces or hospitalization. Application from such person may be filed while in the armed forces or during hospitalization, but must be filed within 120 days of honorable separation from such forces or from hospitalization and prior to the expiration of the register established as a result of the examination. A person serving in the armed forces or undergoing hospitalization will not be certified for appointment until he notifies the Commission that he will soon be available for appointment.

(2) Any citizen who was unable to file application for an examination or to appear for any assembled test because of foreign service with a Federal agency or an international organization in which the U. S. Government participates. He may file for any examination that was open during such foreign service. He may also file application for any examination announced within 120 days of his return from foreign service. Application from such person may be filed while in foreign service, but must be filed within 120 days of his return from foreign service and prior to expiration of the register established as a result of the examination. The applicant must certify, in his application or in a supporting statement, the facts which justify acceptance of his application under this subparagraph. He must show the Federal

organization in which employed in foreign service, and the exact date of departure for and return from foreign service. "Foreign service" as used herein shall be service in an area other than in the United States proper and in Hawaii in which the examination for which application is made was not publicized.

(3) Any person who meets the conditions of subparagraph (1) of this paragraph and leaves the armed forces to enter foreign service with a Federal agency, or an international organization in which the U. S. Government participates, and thus meets the conditions of subparagraph (2) of this paragraph, may file application within 120 days of his return from foreign service for examinations that were open either while he was in the armed forces or while he was in foreign service or that were announced within 120 days of his return from foreign service. Application must be filed prior to the expiration of the register established as a result of such examination.

(4) Any person in the employ of the Federal Government who is a member of a reserve unit of the armed forces and who is unable to file application for an examination or to appear for an assembled test because of active duty beyond fifteen days with the armed forces even though the duty is designated for training purposes. He may also file application for any examination announced within 120 days of his release from such duty. Application from such person may be filed while on active duty, but must be filed within 120 days of his release from such duty and prior to expiration of the register established as the result of the examination. The applicant must certify, in his application or in a supporting statement, the facts which justify acceptance of his application under this subparagraph. He must show the exact dates and actual period of his active duty status and the branch of the service by which called for active duty.

SEC. 2.106 Competitive rating. (a) The subjects in examinations shall be given such

relative weights as the Commission may prescribe. A scale of 100 shall be used and all competitors who meet the minimum entrance requirements and are rated 70 or more, including preference points, shall be eligible for appointment.

SEC. 2.107 Eligible registers. (a) The names of persons who qualify in competitive examinations shall be entered on appropriate registers in the order of their ratings, as may be augmented by veteran preference, subject to apportionment, residence, or other requirements of law or the Commission's regulations.

(b) When an eligible register has been established as the result of an open competitive examination the names of qualified veterans in the following groups may be entered thereon in the order prescribed by paragraph (a) of this section, provided they were last employed under probational or permanent competitive appointment or permanent excepted appointment which followed without break in service probational or permanent competitive appointment:

(1) Veterans who have been declared eligible therefor after appeal from furlough or dismissal under section 14 of the Veterans' Preference Act.

(2) Veterans who have been furloughed or separated without delinquency or misconduct and who apply within 90 days of furlough or separation.

(3) Veterans who have resigned without delinquency or misconduct and who apply within 90 days of separation for reentry of their names on registers on which they formerly appeared or upon registers which succeeded such registers.

(c) (1) Veterans who were in the armed forces of the United States subsequent to May 1, 1940, and for that reason lost eligibility on a register established before March 6, 1946 and during the period that the register was used for probational appointment, shall have their names entered on the appropriate successor register if they:

(i) Have been honorably separated from the armed forces;

(ii) Are still qualified to perform the duties of the position for which the register is used; and

(iii) Make application for entrance on the register within 90 days after separation from active service or from hospitalization continuing after discharge for a period of not more than one year. Such persons shall be restored to the successor register, for the life of such register, in accordance with their former ratings as augmented by preference points, except as provided in subparagraph (2) of this paragraph.

(2) Persons who establish eligibility for entrance on a successor register in accordance with subparagraph (1) of this paragraph, shall have their names entered at the top of the appropriate group on the successor register if another person standing lower on the register on which their names formerly appeared was given a probational appointment from such register. For the purpose of determining the appropriate group all 10-point veterans including such restored veterans, will be considered as one group and all other eligibles including such restored 5-point veterans, as another group. However, for professional and scientific positions for which the basic entrance salary is over \$3,000 per annum, all eligibles will be considered as one group.

(3) Persons who meet the conditions for entrance on a successor register in accordance with subparagraph (1) of this paragraph shall have their names listed for certification for probational appointment if no successor register exists and another person standing lower on the register on which their names formerly appeared was given a probational appointment from such register.

(4) A person having eligibility under subparagraphs (2) or (3) of this paragraph who, due to disability incurred because of military service in World War II, is unable to perform the duties of the position designated by him at the time of taking the examination for appoint-

ment thereto, may upon written request at any time have his name entered upon any list of eligibles for which a like examination is required and shall continue to have the rights granted by subparagraphs (2) or (3).

SEC. 2.108 Termination of eligibility. (a) Eligibility on any register shall be terminated under the following conditions:

(1) By acceptance of appointment of other than temporary duration from such register.

(2) By action of the Commission terminating the eligibility of all eligibles on such register: *Provided*, That the eligibility of the following classes of persons shall not be terminated in less than one year unless a new register is established on the basis of more exacting requirements which have been determined to be more appropriate for the position concerned:

(i) Veterans entered on the register as a result of examination under section 10 of the Veterans' Preference Act, or of favorable determination of an appeal from dismissal or furlough, or application for restoration after furlough or separation without delinquency or misconduct, or resignation.

SEC. 2.109 Certification for appointment.

(a) Upon receipt of a request for certification of eligibles, there shall be certified from the top of the appropriate register a sufficient number of names to permit the appointing officer to consider three eligibles in connection with each vacancy.

(b) Where no register exists appropriate as a whole for certification for filling a particular request, there may be certified selectively from the most nearly appropriate existing register, in the order of their ranking, the names of persons who are adequately qualified for the particular position to be filled. The Commission may, however, when appropriate, rerate the eligibles on the register on the basis of the particular requirements of the position.

(c) In order to fill existing vacancies in appropriate positions, and to require displacement of temporary and war service appointees

who do not have eligibility for permanent retention, the Commission shall certify for probational appointment:

(1) Veterans who qualify in examinations under section 10 of the Veterans' Preference Act and who are entitled to 10-point preference and priority in certification under that statute; and

(2) Veterans entitled to priority in certification under section 2.107 (c) (3) because of lost opportunity for probational appointment due to military service.

(d) Certification shall be made without regard to sex unless the appointing officer, in accordance with the right conferred upon him by law, requests eligibles of a given sex.

SEC. 2.110 Apportionment. (a) Certifications for appointment in agencies' headquarters offices which are located within the metropolitan area of Washington, D. C., shall be made so as to maintain, as nearly as the conditions of good administration warrant, the apportionment of appointments among the several States, Territories, and the District of Columbia upon the basis of population. However, certification in the following cases shall be made without regard to the apportionment, and appointments in such cases shall be excluded from the apportionment figures:

(1) Certification of veterans.

(2) Certification for appointment to the following positions in all agencies:

(i) Positions in headquarters offices which are located outside the metropolitan area of Washington, D. C.

(ii) Professional and scientific positions for which the entrance salary is over \$3,000 per annum.

(iii) Positions classified at grade GS-14 and above.

(iv) Apprentice positions in the recognized trades and skilled occupations.

(v) Artisan and helper positions in all trades and skilled occupations, and all phases of the graphic and map reproduction arts that require trade knowledge and manual skill and effort in

their performance. However, positions that require only clerical, technical, or professional knowledge in their performance are not excluded from the apportionment.

(vi) Positions of operating engineman, fireman, oiler, general helper, laborer, foreman of laborers, gardener, grounds keeper, animal keeper, chauffeur, truck driver, motor vehicle dispatcher, elevator operator, and telephone operator.

(vii) Revoked.

(3) Certification for appointment to all positions in the following agencies:

(i) The Government Printing Office.

(ii) National Capital Housing Authority.

(iii) Agency field offices in the metropolitan area of Washington, D. C.

(4) In the discretion of the Commission certification of eligibles who have not proved residence in a State, Territory, or the District of Columbia, for the required period, after the register of eligibles who fully meet the residence requirements has become exhausted.

SEC. 2.111 Selection for appointment. (a) An appointing officer shall, with sole reference to merit and fitness, make selection for the first vacancy from among the highest three eligibles available for appointment on the certificate. For the second vacancy he shall make selection from among the three highest unselected and available eligibles on the certificate. Each succeeding vacancy shall be filled in like manner. An appointing officer shall not be required to consider any eligible (1) who has been considered by him for three separate appointments from the same or different certificates, or (2) to whose certification for the particular position he has made an objection which has been sustained by the Commission for any of the reasons stated in section 2.104.

(b) The following procedure shall be followed when an appointing officer passes over a veteran and tentatively selects a nonveteran:

(1) He shall file with the Commission his

reasons in detail and in writing for passing over the veteran.

(2) The Commission shall determine the sufficiency or insufficiency of such reasons and notify the appointing officer of its findings.

(3) If the reasons are sufficient the non-veteran tentatively selected may be appointed.

(4) If the reasons are insufficient and the appointing officer still desires to appoint the non-veteran he shall submit:

(i) More detailed information concerning his reasons for passing over the veteran; or

(ii) A statement that he has no more information in support of his selection of the non-veteran.

(5) The nonveteran tentatively selected may not be legally appointed, except as provided herein, until the appointing officer has received the Commission's notice concerning his second statement.

(6) When a certificate has been issued for filling several vacancies a nonveteran may be appointed to one or more of the vacancies prior to receipt of the Commission's findings provided the appointing officer holds open one of the vacancies for further consideration of the veteran in case the reasons for passing him over are found insufficient. Where a seniority system of promotion is established by law, such appointment shall be made on a temporary basis until the vacancy held open is filled by probational appointment.

(7) A copy of the appointing officer's reasons and the Commission's findings shall, upon request, be sent to the veteran or his designated representative.

(c) If, upon certification, reasons deemed sufficient by the Commission for passing over a veteran's name shall three times have been given by appointing officers, certification of his name for appointment will thereafter be discontinued, prior notice of which shall be sent to the veteran.

SEC. 2.112 Appointments subject to investigation. (a) The following types of appointment shall be made subject to investigation:

- (1) Original probational.
- (2) Reappointments.
- (3) Reinstatements.
- (4) Temporary appointments.
- (5) Inter-agency transfers.
- (6) Conversions from excepted, war service indefinite or temporary indefinite appointments to competitive appointments.
- (7) Indefinite appointments under Parts 2, 7, and 8.

(b) Investigation to establish the individual's qualifications may be made at any time within 18 months of the personnel action and removal may be ordered by the Commission if such investigation discloses that the individual is disqualified for Federal employment.

(c) The condition "subject to investigation" shall expire automatically at the end of eighteen months from the effective date of the personnel action, except in a case in which the Commission has made an initial adjudication of disloyalty and the case continues to be active by reason of an appeal. In cases on which the Commission's jurisdiction has expired and the case is incomplete or an initial adjudication has not been made, it shall be the responsibility of the employing agency to conclude such investigation and make a final determination concerning the loyalty of such person.

SEC. 2.113 Probational appointment. (a) A person selected for other than temporary appointment shall be given a probational appointment. The first year of service under this appointment shall be a probationary period. The agency shall utilize the probationary period as fully as possible to determine the fitness of each employee and shall terminate his services during such period if he fails to demonstrate fully his qualifications for continued Federal employment.

(b) The following service will be counted toward completion of the probationary period:

- (1) Service in the armed forces of the United

States when the employee entered such service during his probationary period.

(2) All continuous service, without regard to the type of appointment under which rendered, immediately preceding probational appointment, or acquisition of status under section 3.1 (b) (5) and (7) of Rule III, which was in the same line of work and in the same agency as the position to which probationally appointed or in which status is acquired.

(c) A probationer voluntarily or involuntarily separated from the service without delinquency or misconduct may be restored to the register of eligibles for the remainder of any period of eligibility thereon whenever in the opinion of the Commission he is suitable and eligible for further Federal employment.

SEC. 2.114 Temporary appointment. (a) Pending establishment of register. Suspended effective December 1, 1950.

(b) Job employment. When there is work of a temporary character, at the completion of which the services of an additional employee will not be required, a temporary appointment for job employment may be made, with the prior approval of the Commission, for a period not to exceed one year. Such appointments, when made for a period of less than one year, may be extended without further approval of the Commission for a period or periods not extending beyond one year from the date of original appointment. Any person eligible for indefinite appointment under section 7.105 (a) may be noncompetitively selected for job employment without regard to registers of eligibles or prior approval of the Commission. Whenever there are insufficient available eligibles on registers, in making appointments under this paragraph agencies shall (1) give preference first to 10-point veterans and second to 5-point veterans, and (2) obtain a decision from the Commission whenever it is necessary to determine whether any applicant is disqualified because of physical unfitness.

(c) *Temporary emergency appointment.* In cases of extreme emergency, where positions must be filled without delay and where time does not permit the securing of prior authority of the Commission, emergency appointments for not more than 1 month may be made without examination and without prior approval of the Commission. Such emergency appointments may not be extended by the agency without the prior approval of the Commission.

(d) *Temporary substitutes in Post Offices.* Suspended effective December 1, 1950.

(e) Revoked.

(f) *Within-grade salary step increases.* Suspended effective December 1, 1950.

(g) Revoked.

(h) *Emergency-indefinite appointment.* Suspended effective December 1, 1950.

(i) *Emergency-indefinite appointment pending return of employees from armed forces.* Suspended effective December 1, 1950.

SEC. 2.115 Indefinite appointment. (a) *In general.* On and after December 1, 1950, all new appointments shall be indefinite appointments except those of postmasters in all classes of post offices and, in unusual circumstances, appointments to positions for which the Commission determines that probational appointments are in the interest of the service: *Provided,* That agencies may give probational appointments after that date to eligibles who were regularly selected from certificates issued prior to December 1, 1950, for probational appointment. Such indefinite appointments shall be made from the Commission's registers of eligibles unless there are insufficient available eligibles. The Commission may restrict certification for

indefinite appointments to eligibles who are immediately available because of residence or other conditions. The first year of service under an indefinite appointment shall be a trial period similar to the probationary period established by section 2.113 of this Part.

Persons given such appointments do not thereby acquire a permanent civil service status. The appointment of any person serving under a temporary appointment pending establishment of a register, a war service appointment, a temporary indefinite appointment as a substitute in the post office service, or an emergency-indefinite appointment on December 1, 1950, is hereby converted to an indefinite appointment under this section. Service in the same agency immediately preceding such conversion shall be counted toward completion of the required 1-year trial period.

(b) *Special requirements when appointments are made in absence of eligibles.* Whenever there are insufficient available eligibles on registers, in making appointments under this section agencies shall (1) give preference first to 10-point veterans and second to 5-point veterans; and (2) obtain a decision from the Commission whenever it is necessary to determine whether any applicant is disqualified because of physical unfitness.

(c) *Within-grade salary step-increases.* Persons serving under indefinite appointment in positions within the scope of the compensation schedules of the Classification Act of 1949 are eligible for periodic step-increases and additional step-increases as rewards for superior accomplishment in accordance with Subpart A of Part 25.*

*Note to readers of this pamphlet: "Part 25" refers to the Federal Employees Pay Regulations.

Part 3—Acquisition of a Competitive Status

CIVIL SERVICE RULE III

- Sec.
3.1 Classes of persons who may acquire status.
3.2 Appointment without competitive examination in rare cases.

SUBPART A—REGULATIONS UNDER CIVIL SERVICE RULE III

- 3.101 Incumbents of positions brought into the competitive service.
3.102 Certain persons entitled to veteran preference.
3.103 Disabled veterans who have completed a training course.
3.104 Employees who have served in the office of the President or on the White House staff.
3.105 Employees who have been reached on a register.
3.106 Employees reached on a register prior to the War Service Regulations.
3.107 Employees serving in competitive positions without competitive status.
3.108 Apportionment.
3.109 Citizenship.

AUTHORITY: SECS. 3.1 to 3.108, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

SUBPART B—REGULATIONS UNDER EXECUTIVE ORDER 10080

- Sec.
3.201 Basic eligibility for the acquisition of a competitive status under Executive Order 10080.
3.202 Active duty.
3.203 Continuous service.
3.204 Efficiency ratings.
3.205 Submission of recommendation.
3.206 Commission action.
3.207 Agency action.
3.208 Status of employee not recommended.

AUTHORITY: SECS. 3.201 to 3.208 issued under E. O. 10080, Sept. 30, 1949, 14 F. R. 5985.

SUBPART C—REGULATIONS UNDER EXECUTIVE ORDER 10157

- Sec.
3.301 Basic requirements for the acquisition of a competitive status under Executive Order 10157.
3.302 Active duty.
3.303 Continuous service.
3.304 Efficiency ratings.
3.305 Submission of recommendation.
3.306 Commission action.
3.307 Agency action.
3.308 Status of employees not recommended.

AUTHORITY: Sections 3.301 to 3.308 issued under E. O. 10157, Aug. 28, 1950, 15 F. R. 5834.

CIVIL SERVICE RULE III—ACQUISITION OF A COMPETITIVE STATUS

SEC. 3.1 Classes of persons who may acquire status. (a) A person may acquire a competitive status by probational appointment through competitive examination, or by statute, Executive order, or this Rule.

(b) Subject to such noncompetitive examination time limits, or other requirements as the Commission may prescribe, the following classes of persons may acquire a competitive status:

(1) Any person holding a permanent position when it is placed in the competitive service by statute or Executive order or is otherwise made subject to competitive examination.

(2) Any person entitled to veteran preference who establishes the present existence of a service-connected disability of not less than ten percent, or any person entitled to wife or widow preference under the Veterans' Preference Act, when such person is serving under a war service indefinite appointment, a temporary appointment pending establishment of a register, or a temporary appointment for job employment which has been continuous for more than one year.

(3) Any disabled veteran who, in a manner satisfactory to the Commission, has completed a course of training in the executive branch of the Government prescribed by the Administrator of Veterans' Affairs in accordance with the act of March 24, 1943 (57 Stat. 43).

(4) Any employee who has served at least two years in the immediate office of the President or on the White House Staff and whose transfer to a competitive position is requested by any agency.

(5) An employee who was serving when his name was reached for certification on a civil service register appropriate for the position in which he was serving, provided recommendation for status is made prior to expiration of the register on which his name appears.

(6) An employee who was serving when his name was reached for certification on a civil service register appropriate for the position in

which he was serving, provided he was appointed to a competitive position prior to the date such position was placed under the War Service Regulations and stood higher on such register than another eligible who received an original probational appointment therefrom.

(7) An employee who has served at least one year under an appointment not limited to one year or less and has received an eligible rating in an open competitive examination appropriate for the position occupied: *Provided*, That the lowest rating reached in the regular order of certification does not exceed his rating by more than five points: *Provided further*, That such employee is about to be replaced as a result of certification by the Commission. A non-veteran employee may not be granted status until all preference eligibles standing higher on the register have been given appropriate consideration under the Veterans' Preference Act.

SEC. 3.2 Appointment without competitive examination in rare cases. (a) Subject to receipt of satisfactory evidence of the qualifications of the person to be appointed, the Commission may authorize an appointment in the competitive service without competitive examination whenever it finds:

(1) That the duties or compensation of the position are such, or that qualified persons are so rare, that, in the interest of good civil service administration, the position cannot be filled through open competitive examination; or

(2) That it is essential to the program in which he is engaged to retain in the service a person who was serving in a highly specialized scientific, professional, or administrative position during the war period and prior to March 7, 1946, the effective date of the Temporary Civil Service Regulations.

(b) Any subsequent vacancy in such position shall not be filled without competitive examination except upon express prior approval of the Commission in accordance with this section. Detailed statements of the reasons for the non-competitive appointments made under this section shall be made a part of the records of the Commission and shall be published in its annual reports. Any person heretofore or hereafter appointed under this section may acquire a competitive status upon completion of at least one year of satisfactory service and compliance with such requirements as the Commission may prescribe.

SUBPART A—REGULATIONS UNDER CIVIL SERVICE RULE III

[Suspended, effective December 1, 1950.]

SUBPART B—REGULATIONS UNDER EXECUTIVE ORDER 10080

[NOTE.—Subpart B, "Regulations under Executive Order 10080," was issued in the Federal Register for November 15, 1949. These regulations were furnished to agencies in Departmental Circular 622 of November 9, 1949. Amendments have been published in the Federal Register and in the supplements to the Circular. In view of the limited coverage of this Subpart, and of the fact that the overwhelming majority of cases under it will have arisen and been disposed of within a short time, the Subpart will not be reproduced here.]

SUBPART C—REGULATIONS UNDER EXECUTIVE ORDER 10157

[NOTE.—Subpart C, "Regulations under Executive Order 10157," was issued in the Federal Register for October 5, 1950. These regulations were furnished to agencies in Departmental Circular 639 of October 2, 1950. In view of the comparatively limited period for the submission of cases, the Subpart will not be reproduced here.]

Part 4—General Provisions

CIVIL SERVICE RULE IV

- Sec.
- 4.1 Prohibition against political activity.
 - 4.2 Attempting to secure withdrawal from competition.
 - 4.3 Method of filling vacancies.
 - 4.4 Personnel reports.

REGULATIONS UNDER CIVIL SERVICE RULE IV

Prohibition Against Political Activity

- 4.101 Investigations.
- 4.102 Investigation by correspondence.
- 4.103 Proposed order.
- 4.104 Hearing.
- 4.105 Final order.
- 4.106 Penalties.
- 4.107 Reemployment.
- 4.108 Suspension.
- 4.109 Reopening cases.

Withdrawal From Competition

- 4.201 Attempting to secure withdrawal from competition.

Definitions

- 4.301 Definitions.

AUTHORITY: SECS. 4.1 to 4.301, inclusive, issued under R. S. 1753; Sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE IV—GENERAL PROVISIONS

SEC. 4.1 **Prohibition against political activity.** Persons in the executive branch shall retain the right to vote as they choose and to express their opinions on all political subjects and candidates, but such persons shall not use their official authority or influence for the purpose of interfering with an election or affecting the result thereof. Persons occupying positions in the competitive service shall not take any active part in political management or in political campaigns except as may be provided by or pursuant to statute.

SEC. 4.2 **Attempting to secure withdrawal**

from competition. The Commission is authorized to take such disciplinary action as it deems appropriate whenever it finds that any person has influenced another person to withdraw from competition for any position in the competitive service for the purpose of either improving or injuring the prospects of any applicant for appointment.

SEC. 4.3 **Method of filling vacancies.** In his discretion an appointing officer may fill any position by appointment through the competitive system from a certificate of eligibles issued under authority of the Commission, or by promotion, demotion, reassignment, transfer, reinstatement or restoration in accordance with the Civil Service Regulations. He shall exercise his discretion in all personnel actions solely on the basis of merit and fitness and without regard to political or religious affiliations, marital status, or race.

SEC. 4.4 **Personnel reports.** Each agency shall report to the Commission, in such manner and at such times as the Commission may prescribe, such personnel information as it may request relating to positions and officers and employees in the competitive service or excepted from the competitive service by statute or Executive order, whether permanent, indefinite, temporary, or subject to contract.

REGULATIONS UNDER CIVIL SERVICE RULE IV

Prohibition Against Political Activity

SEC. 4.101 **Investigations.** (a) Investigations of cases involving charges of prohibited political activity on the part of an officer or employee (both hereinafter comprehended within the term "employee") subject to the provisions of section 4.1 of Rule IV shall be conducted jointly by representatives of the Com-

mission and of the agency where the individual is employed, unless the Commission or the agency signifies that it will be unable to participate in the investigation. The Commission shall be notified of any complaint of political activity received by an agency and shall be given an opportunity to cooperate in any investigation that the agency may decide to make. Likewise, the Commission will not proceed with any investigation until the agency has been notified and has been given an opportunity to participate.

(b) During the course of the investigation the employee shall be afforded an opportunity to make a statement, either personally or in writing, before the investigator, and shall be allowed to furnish names of witnesses who will support the statements he has made to the investigator.

SEC. 4.102 Investigation by correspondence.

(a) In case the complaint involves a political activity violation that may be established by record evidence, the investigation may be conducted by correspondence. In such cases, the accused employee will be given an opportunity to furnish in writing any statement or information that he may desire and the employing agency will be furnished a copy of the letter directed to such accused employee allowing him the opportunity to furnish a statement.

SEC. 4.103 Proposed order. (a) When the Commission reaches the conclusion that a violation of section 4.1 of Rule IV has been established by the investigation, it shall issue a proposed order. This order, which shall include a statement of the charges against the employee and of the information in support thereof, shall be sent to the employee by registered mail, and he shall be allowed 15 days from the date of service to respond thereto in writing. A copy of this order shall also be sent to the agency in which the individual is employed. With his reply to the proposed order, the employee may request a hearing as hereinafter provided.

SEC. 4.104 Hearing. (a) The granting of a hearing shall not be a matter of right but shall be within the discretion of the Commis-

sion. No hearing shall be authorized in cases where the employee has admitted a violation or where a violation is established by indisputable record evidence.

(b) Hearings shall be held before a Hearing Examiner designated by the Commission and shall be at the Commission's office in Washington, D. C., unless the Commission shall order that the hearing be held elsewhere. All testimony shall be under oath or affirmation. The employee may appear personally or by or with counsel. Counsel appearing shall have been admitted to practice before the Commission in accordance with Rule 4 of the rules of practice under the act of August 2, 1939 as amended (section 23.4).

(c) The hearing shall be of the limited scope necessitated by the Commission's lack of the power of subpoena in proceedings under section 4.1 of Rule IV. Because of the absence of that authority, it cannot undertake to conduct said hearing as a proceeding de novo, or to have evidence introduced therein in support of the charges against the respondent. Owing to the lack of subpoena power, evidence in support of charges must be limited to information given voluntarily. Such information is obtained upon an understanding of confidential treatment. Consequently, evidence supporting the charges cannot be introduced at the hearing. The hearing shall be unilateral, that is, it shall be only for the presentation of evidence on behalf of the employee in rebuttal of the charges disclosed by the proposed order. Counsel for the Commission may cross-examine witnesses.

(d) It shall be within the discretion of the Hearing Examiner to permit, and fix the time for, filing of briefs. The proceedings at the hearing will not be reported, unless the Commission shall so direct; but the employee shall have the privilege of himself having the evidence taken stenographically. If the proceeding is not taken by a reporter on behalf of the Commission, the employee and Commission counsel shall submit a summary thereof to the Hearing Examiner within a time fixed by him. Any disagreement concerning the contents of the

summary shall be resolved by the Examiner, and the parties may file written exceptions. The summary and any exceptions shall be certified by the Hearing Examiner and shall become a part of the record.

SEC. 4.105 Final order. (a) The Commission's final order shall be based on the entire record of the case, including the report of the investigation, the reply of the employee to the proposed order, and in cases where a hearing has been granted, the report of the Hearing Examiner. If the employee does not reply to the proposed order within 15 days from the date of service, a final order shall be based on the report of investigation alone.

(b) The final order shall contain a statement of the charges that have been substantiated and shall prescribe the penalty to be imposed. Copies of the final order shall be served on the respondent and on the agency wherein the individual is employed.

SEC. 4.106 Penalties. (a) Violations of section 4.1 of Rule IV are by law violations also of section 9 (a) of the Hatch Act, and the penalty required by that act must of necessity be imposed. The employee must be immediately removed from the position or office held and may not again be employed in such position or office unless the Commission by unanimous vote finds that the violation does not warrant removal. In the case of such unanimous finding a suspension of not less than 90 calendar days shall be applied by direction of the Commission. If the appointing officer fails to carry out the instructions of the Commission within 10 days after receipt thereof, the Commission shall certify the facts to the head of the agency concerned for proceedings for withholding salary in accordance with section 5.5 of Rule V.

(b) When the Commission directs the removal of an employee for a violation of section 4.1 of Rule IV, and the Hatch Act, the penalty laid down in paragraph (a) of this section shall be applied, even where the agency reports that

the individual has been removed, on grounds other than a violation of section 4.1 of Rule IV and the Hatch Act. Such individual may not again be employed in the position from which he was removed. The provisions of section 4.107 regarding reemployment in positions other than the one from which removal was effected shall also apply.

(c) The above procedure shall apply also where an employee has resigned from his position or office prior to the Commission's determination that he had violated section 4.1 of Rule IV, and the Hatch Act.

(d) In cases where an agency upon investigation finds that an employee occupying an excepted position has violated the provisions of section 9 (a) of the Hatch Act the agency may refer the matter to the Commission with a detailed statement of the facts and evidence for a determination whether the violation is such as to warrant a penalty of less than removal. If the agency effectuates the removal without first consulting the Commission the employee so removed may request the Commission to review his case, and if the Commission finds by unanimous vote that the violation did not warrant removal the individual's record shall be immediately cleared so as to make him eligible for further Federal employment. However, there is no provision of law under which the agency is required to reemploy the excepted employee.

SEC. 4.107 Reemployment. (a) An employee removed for violation of section 4.1 of Rule IV may not be employed again, in accordance with a decision by the Comptroller General on the law (25 Comp. Gen. 271), in any position the salary or compensation of which is payable under the same appropriation as the position from which removed: *Provided*, That in all cases involving a finding that a Federal employee has engaged in prohibited political activity resulting in removal the Commission may consider the

matter from a suitability standpoint and may establish a definite period of debarment applicable to the employee for all Federal positions within the Commission's jurisdiction.

SEC. 4.108 Suspension. Where an employee is suspended for a period of time (not less than 90 days) at the direction of the Commission such employee is not eligible for Federal employment in other positions or agencies during the entire period of his suspension.

SEC. 4.109 Reopening cases. (a) Employees removed between August 2, 1939, and August 25, 1950, for established political activity violations may request that the Commission reopen their cases to determine whether the violations warranted removal from the service. The request must be made in writing by the individual concerned and may be accompanied by evidence or affidavits to support the plea that the violation did not warrant removal.

(b) In reopened cases where the original removal was based upon a Commission finding that the individual had engaged in prohibited political activity no further investigation will be made and no hearing will be held, and the Commission's decision will be based upon the existing record plus any evidence or affidavits submitted by the individual in support of his request.

(c) In reopened cases where the original removal was based upon a finding of the employing agency that the individual had engaged in prohibited political activity the Commission will secure from the employing agency any files or copies of files relating to the case and will conduct such further inquiry as the circumstances may require. The final decision of the Commission will be based on this record plus any evidence or affidavits submitted by the individual in support of his request.

(d) If in either of the cases described in paragraph (b) or (c) of this section the Commission finds by unanimous vote that the heretofore established violation was not such as to

warrant the individual's removal from the service the Commission shall issue an order revoking any restrictions against the individual's future Federal employment. However, no such revocation shall become effective until at least 90 days have elapsed following the date of removal of the individual.

(e) A Commission revocation order issued in accordance with paragraph (d) of this section will merely clear the individual's record for further Federal employment and will not in itself effectuate such reemployment or require that the individual be reemployed in the position from which removed or any other position in the same agency.

Withdrawal From Competition

SEC. 4.201 Attempting to secure withdrawal from competition. (a) Applicants for competitive examination, or eligibles on any register, or officers or employees in the executive branch, shall not directly or indirectly persuade, induce, or coerce, or attempt to persuade, induce, or coerce any prospective applicant, applicant, or eligible to withhold filing application or to withdraw from competition or eligibility for positions in the competitive service for the purpose of either improving or injuring the prospects for appointment of any such applicant or eligible. The penalty for violation of this section by applicants or eligibles shall be cancellation of application or eligibility, as the case may be, and such other penalty as the Commission may deem appropriate.

Definitions

SEC. 4.301 Definitions. (a) As used in the regulations in Parts 1 to 11:

(1) "Agency" means any executive department or independent establishment of the Federal Government, including a Government owned and controlled corporation, and any portion of the legislative and judicial branches and of the Government of the District of Columbia insofar as they have positions subject to the Civil Service rules and regulations.

(2) "Appointing officer" means a person having power by law, or by lawfully delegated authority, to make appointments.

(3) "Armed forces" means the armed forces of the United States.

(4) "Competitive service" shall have the same meaning as the words "classified service", or "classified (competitive) service" or "classified civil service" as defined in existing statutes and Executive orders. The competitive service shall include all civilian positions in the executive branch of the Government unless specifically excepted therefrom under statute or Executive order, and all positions in the legislative and judicial branches and of the District of Columbia Government which are specifically made subject thereto by statute. Persons occupying such positions shall be considered as being in the competitive service when they have a competitive status.

(5) "Competitive status" means a status which permits a person to be promoted, transferred, reassigned, and reinstated to positions in the competitive service without competitive examination, subject to the conditions prescribed by the Civil Service rules and regulations for such noncompetitive actions. A competitive status is acquired by probational appointment through competitive examination, or may be granted by statute, Executive order, or the Civil Service rules.

(6) "Continuous service" means an active duty status but may include not more than one break in service of less than 30 calendar days.

(7) "Demotion" means a change from one position to another position of lower grade or lower minimum salary while serving continuously within the same agency.

(8) "Metropolitan area of Washington, D. C." means the area so defined by the Federal Committee on Standard Metropolitan Areas, and includes the District of Columbia, and Alexandria City, Arlington County, and Fairfax County, Virginia; and Montgomery and Prince Georges Counties, Maryland.

(9) "Military service" means active service in the armed forces of the United States.

(10) "Promotion" means a change from one position to another position of higher grade or higher minimum salary while serving continuously within the same agency.

(11) "Reassignment" means a change, *without promotion or demotion*, from one position to *any* other position, while serving continuously within the same agency.

(12) "Removal" means separation from the service on charges of delinquency or misconduct, or because the employee's capacity is not sufficient to justify his retention in the service.

(13) "Rule" means Civil Service rule.

(14) "Suspension" means a temporary non-pay status and absence from duty required by the appointing officer for disciplinary reasons, or for other reasons pending inquiry.

(15) "Temporary indefinite" means temporary pending establishment of a register.

(16) "Transitional period" means the period from the revocation of the War Service Regulations to the establishment of registers of sufficient eligibles for probational appointment, or to the time particular positions can be filled by persons having a competitive status without the establishment of a register, as may be determined by the Commission.

(17) "Transfer" means a change of position during continuous Federal service without a break of one work day from one agency to another, or, while serving continuously within the same agency, from one official headquarters or post of duty to another.

(18) "Veteran" means a person entitled to preference under the Veterans' Preference Act of 1944, including a person entitled to wife, widow, or mother preference under that act.

(19) "War Service Regulations" means the regulations issued by the Commission pursuant to Executive Order No. 9063 of February 16, 1942, as amended, and in effect from March 16, 1942 to March 7, 1946.

Part 5—Regulations, Investigation and Enforcement

CIVIL SERVICE RULE V

- Sec.
5. 1 Regulations.
5. 2 Authority of the Commission to make investigations.
5. 3 Officers and employees to furnish testimony.
5. 4 Authority of the Commission to issue instructions as to discipline or separation.
5. 5 Withholding salary.

REGULATION UNDER CIVIL SERVICE RULE V

5.101 Persons disqualified for appointment.

AUTHORITY: SECS. 5.1 to 5.5, inclusive, issued under R. S. 1753; Sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE V—REGULATIONS, INVESTIGATION AND ENFORCEMENT

SEC. 5.1 **Regulations.** (a) The Commission is authorized and directed to promulgate and enforce such regulations as may be necessary to carry out the provisions of the Civil Service Act and Rules, the Veterans' Preference Act, and all other applicable statutes or Executive orders imposing responsibilities on the Commission.

(b) The Commission is authorized, whenever there shall be practical difficulties and unnecessary hardships in complying with the strict letter of its regulations, to grant a variation from the strict letter of the regulations if the spirit of the same is complied with and the efficiency of the Government and the integrity of the competitive service are protected and promoted: *Provided*, That whenever such a variation is made from the regulations the Commission shall record in the minutes of its proceedings (1) the particular practical difficulty or hardship, (2) what is permitted in lieu of what is required by regulation, (3) the circumstances which protect or promote the efficiency of the Government and the integrity of the competitive service, and (4) a statement limiting the application of the variation to the

continuation of the conditions which gave rise to the variation: *Provided further*, That similar variations shall be granted whenever similar conditions exist. All minutes approved under authority of this section shall be published in the Commission's annual reports.

SEC. 5.2 **Authority of the Commission to make investigations.** The Commission may make appropriate investigations to secure enforcement of the Civil Service Act, Rules, and Regulations, including investigation of the qualifications and suitability of applicants for positions in the competitive service. It may authorize appointments conditioned upon a subsequent determination that the requirements of law or the Civil Service Rules and Regulations have been met.

SEC. 5.3 **Officers and employees to furnish testimony.** All officers and employees in the executive branch, and applicants or eligibles for positions therein, shall give to the Commission or its authorized representatives all information and testimony in regard to matters inquired of arising under the Civil Service Act, Rules, and Regulations. Whenever required by the Commission, such persons shall subscribe such testimony and make oath or affirmation thereto before an officer authorized by law to administer oaths.

SEC. 5.4 **Authority of the Commission to issue instructions as to discipline or separation.** Whenever the Commission finds that an appointment has been made in violation of the Civil Service Act, Rules, or Regulations, or that any employee subject thereto has violated such Act, Rules, or Regulations or is holding a position in violation thereof, it is authorized, after giving due notice and opportunity for explanation to the employee and the agency concerned, to certify the facts to the proper appointing officer with specific instructions as to discipline or dismissal.

Approved For Release 2001/11/16 : CIA-RDP57-00384R000500100036-9
SEC. 5.5 ~~Approved For Release 2001/11/16 : CIA-RDP57-00384R000500100036-9~~ If an appoint-
ing officer fails to carry out the instructions of
the Commission issued under section 5.4 of this
Rule, the Commission shall certify the facts
to the head of the agency concerned. If the
head of the agency fails to carry out the instruc-
tions of the Commission within ten days after
receipt thereof, the Commission shall notify
the Comptroller General of the United States
and no payment or allowance shall be made of
the salary or wages accruing to the employee
concerned after such notification.

**REGULATION UNDER CIVIL SERVICE
RULE V**

SEC. 5.101 **Persons disqualified for ap-**

SEC. 5.101 ~~Approved For Release 2001/11/16 : CIA-RDP57-00384R000500100036-9~~ or any of
the reasons stated under Civil Service Rule II,
section 2.104 (a) (1) through (8) may, in the
discretion of the Commission, be denied exami-
nation, or be denied any of the types of appoint-
ment listed in Civil Service Rule II, section
2.112 (a) (1) through (6), namely, original
probational, reappointment, reinstatement, tem-
porary appointment, inter-agency transfer, and
conversion from excepted, war service indefinite
or temporary indefinite appointment to com-
petitive appointment, for a period of not more
than 3 years from the date of the determination
of such disqualification.

Part 6—Exceptions From the Competitive Service

CIVIL SERVICE RULE VI

GENERAL

- | | |
|------|--|
| Sec. | |
| 6.1 | Positions excepted from the competitive service. |
| 6.2 | Assignment of excepted employees. |
| 6.3 | Requirements of the Veterans' Preference Act. |

SCHEDULE A

- 6.100 Positions excepted from examination.
- 6.101 Entire executive civil service.
- 6.102 State Department.
- 6.103 Treasury Department.
- 6.104 National Military Establishment.
- 6.105 Department of the Army.
- 6.106 Department of the Navy.
- 6.107 Department of the Air Force.
- 6.108 Department of Justice.
- 6.109 Post Office Department.
- 6.110 Department of the Interior.
- 6.111 Department of Agriculture.
- 6.112 Department of Commerce.
- 6.113 Department of Labor.
- 6.114 Executive Office of the President.
- 6.115 National Security Resources Board.
- 6.116 National Security Council.
- 6.117 Interstate Commerce Commission.
- 6.118 General Accounting Office.
- 6.119 Board of Governors, Federal Reserve System.
- 6.120 The Tax Court of the United States.
- 6.121 Reconstruction Finance Corporation.
- 6.122 Veterans Administration.
- 6.123 Federal Security Agency.
- 6.124 United States Maritime Commission.
- 6.125 Federal Power Commission.
- 6.126 Securities and Exchange Commission.
- 6.127 National Railroad Adjustment Board.
- 6.128 National Capital Park and Planning Commission.
- 6.129 Federal Deposit Insurance Corporation.
- 6.130 Federal Trade Commission.
- 6.131 National Capital Housing Authority.
- 6.132 United States Soldiers' Home.
- 6.133 General Services Administration.
- 6.134 Federal Communications Commission.
- 6.135 United States Tariff Commission.
- 6.136 Railroad Retirement Board.
- 6.137 Civil Aeronautics Board.
- 6.138 National Labor Relations Board.

Sec.

- 6.139 Government Printing Office.
- 6.140 Export-Import Bank of Washington.
- 6.141 War Assets Administration.
- 6.142 Housing and Home Finance Agency.
- 6.143 Indian Claims Commission.
- 6.144 Selective Service System.
- 6.145 Civil Service Commission.
- 6.146 Commission on Organization of the Executive Branch of the Government.
- 6.147 National Advisory Committee for Aeronautics.
- 6.148 Panama Railroad Company, New York.
- 6.149 Economic Cooperation Administration.
- 6.150 War Claims Commission.
- 6.151 Motor Carrier Claims Commission.
- 6.152 Government Patents Board.
- 6.153 Subversive Activities Control Board.
- 6.154 Defense Transport Administration.

SCHEDULE B

- 6.200 Positions which may be filled upon noncompetitive examination.
- 6.201 Interior Department.
- 6.202 Housing and Home Finance Agency.
- 6.203 Department of Commerce.
- 6.204 Department of the Army.
- 6.205 Navy Department.
- 6.206 District of Columbia Government.
- 6.207 Federal Trade Commission.
- 6.208 State Department.
- 6.209 Post Office Department.
- 6.210 Federal Power Commission.
- 6.211 Department of Agriculture.
- 6.212 National Capital Housing Authority.
- 6.213 Department of Justice.
- 6.214 Selective Service System.
- 6.215 Treasury Department.
- 6.216 Department of the Air Force.
- 6.217 National Military Establishment.

REGULATIONS UNDER CIVIL SERVICE RULE VI

- 6.300 Regulations for the administration and enforcement of the Veterans' Preference Act in connection with positions excepted from the competitive service.

AUTHORITY: Section 6.1 to 6.300 issued under R. S. 1753, sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259, 3 CFR 1947 Supp., E. O. 9973, June 28, 1948, 13 F. R. 3600.

General

SEC. 6.1 **Positions excepted from the competitive service.** (a) Because of their confidential or policy-determining character, or because it is not practicable to make appointments thereto through competitive examination, the positions named in Schedules A (Sections 6.101-6.149) and B (Sections 6.201-6.216) shall be excepted from the competitive service. The Commission may, upon the request of an agency, determine that similar positions also should be excepted from the competitive service. Upon publication in the Federal Register of its determination excepting such positions from the competitive service, appointment thereafter may be made to such positions in the same manner as under Schedules A and B. At the end of each fiscal year the Commission shall submit to the President for review a list of the positions which it has excepted from the competitive service under this section during such year.

(b) Appointments to positions in Schedule A may be made without examination by the Commission.

(c) Appointments to positions in Schedule B shall be subject to such noncompetitive examination as the Commission may prescribe.

(d) Appointment under either Schedule A or B shall not confer a competitive status. Final decision as to whether the duties of a particular position are such that appointment to it is authorized under Schedule A or B shall rest with the Commission. The Commission, with the concurrence of the agency concerned, may revoke in whole or in part any paragraph of Schedule A or B: *Provided*, That such revocation shall be published in the Federal Register.

(e) An appointing officer in his discretion may fill any position in Schedule A or B or any position excepted from the competitive service by statute in the same manner as competitive positions are filled.

(f) Whenever any position in Schedule A or B or any position excepted from the competitive service by statute is occupied by a person

having a competitive status, such person shall not be entitled to the protection against separation provided by this section and the Civil Service rules and regulations: *Provided*, That the Commission shall designate such positions in Schedules A and B as are not of a primarily confidential or policy-determining character, and whenever any position so designated is occupied by a person having a competitive status, however he may have been appointed to such position, he shall be separated therefrom only in accordance with the provisions of this section and the Civil Service rules and regulations.

NOTE: In accordance with this paragraph, the Commission has designated the positions in Schedules A and B which are not of a primarily confidential or policy-determining character by inserting before the appropriate provision the letters "NC/PD."

SEC. 6.2 **Assignment of excepted employees.** Any person appointed without competitive examination to a position in Schedule A or B, or to a position excepted from the competitive service by statute, shall not be assigned to the work of a position in the competitive service without prior approval of the Commission.

SEC. 6.3 **Requirements of the Veterans' Preference Act.** The regulations issued by the Commission pursuant to section 11 of the Veterans' Preference Act shall apply to positions listed in Schedule A and B and positions excepted from the competitive service by statute.

Schedule A

SEC. 6.100 POSITIONS EXCEPTED FROM EXAMINATION

The positions enumerated in sections 6.101 to 6.149 are those excepted from the competitive service to which appointments may be made without examination by the Commission, and constitute Schedule A.

NOTE: In accordance with section 6.1 (f) the Commission has designated the positions in Schedule A which are not of a primarily confidential or policy-determining character by inserting before the appropriate provision the letters "NC/PD."

(a) NC/PD. Positions of Chaplain and Chaplain's Assistant.

(b) NC/PD. Cooks, except at fixed locations, such as, hospitals, quarantine stations, and penal institutions.

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) NC/PD. Attorneys.

(e) NC/PD. Law clerk-trainee positions. Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed nine months pending admission to the bar. No person shall be given more than one appointment under this paragraph.

(f) NC/PD. Chinese, Japanese, and Hindu interpreters.

(g) NC/PD. Any position in which the appointee will receive compensation aggregating not more than \$900 per annum, the duties of which are part-time or intermittent, but such appointments shall not be for job employment. In Washington, D. C., such appointments shall be subject to the prior approval of the Commission.

(h) NC/PD. Any position in a foreign country, or beyond the continental limits of the United States, when in the opinion of the Commission, appointment through competitive examination is impracticable, except as provided in paragraphs (i) and (j) of this section, and except: All positions in Hawaii; positions in the Immigration and Naturalization Service, Department of Justice, in Canada and Mexico; positions in the Bureau of Customs, Treasury Department, in foreign countries, in Puerto Rico and in the Virgin Islands.

(i) NC/PD. Positions on the Isthmus of Panama, except: Accountant, architect, architectural designer, bookkeeper, calculating machine operator, chemist, clerk (paying more than

per month), dietitian, draftsman, employee counselor, medical technician, personnel aide, personnel assistant, pharmacist, physician, playground director, statistician, stenographer, storekeeper, surgeon, trained nurse, typist, and harbor personnel of the Quartermaster Corps, Department of the Army, air traffic controller and air traffic communicator, Civil Aeronautics Administration, and Veterans Administration Representative for the Panama Canal Zone with duty station at Balboa, Canal Zone.

(j) NC/PD. Positions in Alaska, when, in the opinion of the Commission, appointment through competitive examination is impracticable. Persons formerly appointed under this paragraph may be reinstated to positions in Alaska with the approval of the Commission.

(k) NC/PD. Temporary, part-time, or intermittent employments of mechanics, skilled laborers, and tradesmen on construction or repair work in places where there is no local board of examiners of the Civil Service Commission for the employing establishment, when, in the opinion of the Commission, appointment through competitive examination is impracticable. Appointments under this provision shall not extend beyond one year, and the employment thereunder shall not exceed 180 working days within any one period of twelve months. Seasonal employments of a recurring nature are not authorized under this paragraph.

(l) Any position directly concerned with the protection of the life and safety of the President and the members of his family.

(m) Positions without compensation provided such appointments meet the requirements of applicable laws relating to compensation.

(n) NC/PD. Professional, scientific, and technical experts for temporary, part-time or intermittent employment for consultation purposes.

(o) NC/PD. Unskilled laborers at any city, locality or establishment where the Labor Regulations were not in effect on July 1, 1941. The

Commission, appointment or agency concerned, may include within the competitive civil service unskilled laborer positions at any such city, locality, or establishment.

(p) NC/PD. Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis, when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(q) NC/PD. Positions of a scientific, professional or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employments under this provision shall not exceed 130 working days a year.

(r) NC/PD. Positions of a scientific, professional, or analytical nature when filled by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency is to be used by the student as a basis for completing certain academic requirements toward a graduate degree. Employments under this provision may be continued only so long as the foregoing conditions are met, and the total period of such employment shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(s) NC/PD. Temporary, part-time or intermittent positions of student assistant when the appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be bona fide students at high schools or accredited colleges or universities pursuing courses related to the field in which employed. No person shall be employed under this provision (1) in a position of a routine clerical type; or (2) in excess of 130 working days in any consecutive period of one year; or (3) at a total compensation exceeding \$1050 during such period of one year.

(t) Subject to prior approval by the Commission, positions in Federal mental institutions

when filled by persons who have been patients of such institutions and been discharged, and are certified by the medical head thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

SEC. 6.102 STATE DEPARTMENT

SEC. 6.102 (a) GENERAL

(1) NC/PD. All positions under international commissions, congresses, conferences, and boards, except the International Joint Commission; the International Boundary Commission, United States and Mexico; and the International Boundary Commission, United States, Alaska, and Canada.

(2) One private secretary or confidential assistant to the Under Secretary of State, the Counselor, the Assistant Secretaries of State, the Legal Advisers, and other officials of the Department holding the rank of Assistant Secretary of State.

(3) [Revoked March 28, 1949, effective March 29, 1949, under authority of section 6.1 (d) of Executive Order 9830.]

SEC. 6.102 (b) OFFICE OF THE SECRETARY

(1) Five special assistants to the Secretary of State.

(2) Two private secretaries or confidential assistants to the Secretary of State.

(3) One chauffeur for the Secretary of State.

SEC. 6.102 (c) OFFICE OF THE SPECIAL ASSISTANT, RESEARCH AND INTELLIGENCE

(1) Not to exceed 50 highly confidential professional and technical positions.

SEC. 6.102 (d) FOREIGN SERVICE BUILDINGS OFFICE

(1) NC/PD. Chief and Assistant Chief.

SEC. 6.102 (e) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND MEXICO

(1) NC/PD. Gage readers employed part-time or intermittently at isolated localities when, in the opinion of the Commission, appointment through competitive examination is impracticable.

SEC. 6.102 (f) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES, ALASKA AND CANADA

(1) NC/PD. Temporary field employees such as instrument men, foremen, recorders, packers, cooks, and axemen, for not to exceed 180 working days a year.

SEC. 6.102 (g) MUTUAL DEFENSE PROGRAM

(1) One private secretary to the Director and Deputy Director of the Mutual Defense Program.

SEC. 6.102 (h) INTERNATIONAL CLAIMS COMMISSION

(1) One private secretary to each of the three Commissioners.

SEC. 6.103 TREASURY DEPARTMENT

SEC. 6.103 (a) GENERAL

(1) [Revoked March 28, 1949, effective March 29, 1949, under authority of section 6.1 (d) of Executive Order 9830.]

SEC. 6.103 (b) OFFICE OF THE SECRETARY

(1) Two private secretaries or confidential assistants to the Secretary of the Treasury, and one to each Assistant Secretary of the Treasury.

(2) Five assistants to the Secretary of the Treasury.

(3) Two chauffeurs for the Secretary of the Treasury.

SEC. 6.103 (c) OFFICE OF THE UNDER SECRETARY

(1) One private secretary or confidential assistant to the Under Secretary of the Treasury.

(2) One assistant to the Under Secretary of the Treasury.

SEC. 6.103 (d) BUREAU OF NARCOTICS

(1) Special employees in the field service. Appointments under this subparagraph shall be limited to persons whose services are required because of individual knowledge of violations of the law, and such appointments shall be continued only so long as the personal knowledge

possessed by the appointee of such violation is maintained. This exemption from competition is for special and unusual cases only and report shall be made to the Commission by letter as soon as the appointment is made.

(2) Thirty positions of Narcotic Agent for undercover work.

SEC. 6.103 (e) BUREAU OF INTERNAL REVENUE

(1) Special employees for temporary detective work in the field service under the appropriation for detecting and bringing to trial and punishment persons violating the internal revenue laws. Appointments under this subparagraph shall be limited to persons whose services are required because of individual knowledge of violations of the law, and such appointments shall be continued only so long as the personal knowledge possessed by the appointee of such violation makes his services necessary. This exemption from competition is for special and unusual cases only and report shall be made to the Commission by letter as soon as the appointment is made.

SEC. 6.103 (f) BUREAU OF CUSTOMS

(1) NC/PD. Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

SEC. 6.103 (g) COAST GUARD

(1) NC/PD. Lamplighters.

SEC. 6.103 (h) COMPTROLLER OF THE CURRENCY

(1) NC/PD. Receivers of insolvent national banks and other financial institutions appointed by the Comptroller of the Currency with salaries payable from the funds of insolvent institutions, and the employees of such receivers.

(2) NC/PD. Until December 31, 1950, positions of Chief National Bank Examiner, Assistant Chief National Bank Examiner, District Chief National Bank Examiner, National Bank Examiner, and Assistant National Bank Examiner, whose salaries are paid from assess-

ments against national banks and other financial institutions.

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SEC. 6.103 (i) UNITED STATES SAVINGS BONDS DIVISION

(1) NC/PD. Until June 30, 1951, positions of State Director and Deputy State Director.

(2) NC/PD. Radio Director, Director of Labor Organizations, Information and Editorial Specialist (Labor Representative), Information and Editorial Specialist (Head, Railroad Unit), Information and Editorial Specialist (Director of Negro Groups).

SEC. 6.104 DEPARTMENT OF DEFENSE

SEC. 6.104 (a) OFFICE OF THE SECRETARY OF DEFENSE

(1) Two private secretaries or confidential assistants to the Secretary of Defense.

(2) Two chauffeurs for the Secretary of Defense.

(3) Five Special Advisers to the Secretary of Defense; and until December 31, 1952, twelve additional positions of Special Adviser to the Secretary of Defense.

(4) Ten positions of Manager or Secretary of Committees, Special Programs Division. Appointments under this subparagraph shall not exceed two years.

(5) [Revoked October 11, 1950, effective October 12, 1950, under authority of section 6.1 (d) of Executive Order 9830.]

(6) Twenty-five positions of Scientific Warfare Advisers in the Weapons Systems Evaluation Group.

(7) One private secretary or confidential assistant to the Under Secretary of Defense.

(8) One special assistant to the Under Secretary.

(9) NC/PD. Not to exceed six positions of management engineer in the Office of the Assistant Secretary (Comptroller). Employment under this provision shall not exceed one year in any individual case: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed an additional year.

(10) One private secretary or confidential assistant to each Assistant Secretary of Defense.

SEC. 6.104 (b) RESEARCH AND DEVELOPMENT BOARD

(1) Thirteen Executive Directors, eleven Deputy Directors, eight Scientific Warfare Advisers, two Chiefs of Branches, one Head of Section.

(2) One staff assistant (confidential assistant to the Chairman).

SEC. 6.104 (c) MUNITIONS BOARD

(1) One position of Vice Chairman or Deputy Chairman.

(2) One Industrial Engineer.

(3) Four Industrial Specialists.

SEC. 6.105 DEPARTMENT OF THE ARMY

SEC. 6.105 (a) GENERAL

(1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter, when in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) NC/PD. Caretakers of abandoned military reservations or of abandoned or unoccupied

military posts when the positions are filled by retired non-commissioned officers or enlisted men.

(3) NC/PD. During the emergency declared by the President to exist on May 27, 1941, all positions in the Department of the Army on the Isthmus of Panama.

(4) NC/PD. Unskilled laborers and munitions handlers engaged in handling Ordnance matériel, including ammunition, where temporary or intermittent employment is necessary.

(5) NC/PD. Messenger boys employed on the Alaska Communications System.

(6) NC/PD. Internes (medical and dental) in Army hospitals.

(7) NC/PD. Student occupational therapist positions in Army general hospitals. Appointments to these positions will not extend beyond the training period applicable to each individual case, which is a minimum of three months training and a maximum of twelve months training, depending upon the individual's previous clinical training.

SEC. 6.105 (b) OFFICE OF THE SECRETARY

(1) Two private secretaries or confidential assistants to each of the following: The Secretary of the Army and the Chief of Staff, United States Army. One private secretary or confidential assistant to each Assistant Secretary of the Army.

(2) One chauffeur for the Secretary of the Army.

(3) Five Board Members of the Armed Services Renegotiation Board.

(4) Until June 30, 1952, a Special Assistant to the Secretary of the Army (Occupied Territories), and a Deputy Special Assistant to the Secretary of the Army (Occupied Territories).

SEC. 6.105 (c) TRANSPORTATION CORPS

(1) NC/PD. Longshoremen and stevedores employed at ports of embarkation in the United States; and all positions on vessels operated by the Transportation Corps.

SEC. 6.105 (d) OFFICE OF THE PRESIDENT, MISSISSIPPI RIVER COMMISSION

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(1) NC/PD. Student assistant positions concerned with scientific engineering investigations when filled by the appointment of students in attendance at colleges and universities of recognized standing: *Provided*, That substantial contributions to the investigations are made by such colleges or universities in money, services; advice, or materials or in the use of buildings, laboratories, equipment, facilities, or otherwise. Such employment may be continued under this authority only so long as the appointee is a bona fide student in a particular college or university and receives academic credit toward a degree for the work he is performing: *And provided*, That appointments to such positions will not exceed fifteen in number at any particular time, and will be for a period not to exceed nine months.

SEC. 6.105 (e) ENGINEER DEPARTMENT

(1) NC/PD. Land appraisers employed on a temporary or indefinite basis for specific projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Department are required for successful results.

SEC. 6.105 (f) U. S. MILITARY ACADEMY, WEST POINT, NEW YORK

(1) NC/PD. Civilian professors, instructors, registrar, teachers (except teachers at the Children's School), hostesses, chapel organist and the choirmaster, librarian when filled by an officer of the Regular Army retired from active service, and military secretary to the Superintendent when filled by a Military Academy graduate retired as a regular commissioned officer for disability.

SEC. 6.105 (g) SPECIAL SERVICES DIVISION

(1) NC/PD. During the emergency declared by the President to exist on May 27, 1941, positions in the Army Motion Picture Service and positions of hostess and librarian, assigned to Army posts.

(1) NC/PD. Civilian Directors of Studies employed for not to exceed six months in any twelve-month period.

SEC. 6.105 (i) JOINT BRAZIL-UNITED STATES DEFENSE COMMISSION

(1) NC/PD. One position of clerk-stenographer-translator or civilian aide requiring a knowledge of English, Portuguese, and Spanish.

SEC. 6.105 (j) COMMAND AND GENERAL STAFF COLLEGE, FORT LEAVENWORTH, KANSAS

(1) NC/PD. Position of psycho-educational advisor, individual appointment not to exceed one year duration.

SEC. 6.105 (k) ARMY LANGUAGE SCHOOL, PRESIDIO OF MONTEREY, CALIF.

(1) NC/PD. Language instructors when the type of instruction requires a period of actual foreign residence to qualify them for the instruction.

(2) NC/PD. Typists of foreign language material whose duties require them to make corrections in grammar and spelling of the material typed.

SEC. 6.105 (l) MEDICAL DEPARTMENT

(1) Until June 30, 1952 the position of Technical Director of Research.

SEC. 6.105 (m) ORDNANCE DEPARTMENT

(1) Until June 30, 1952 the positions of Technical Director of Research and Development, Director of Research and Development (Rockets and Guided Missiles), Director of Field Service Operations, Director of Industrial Operations, Production Manager of the Detroit Arsenal, Technical Director of Explosives Laboratory, Technical Director of Metallurgical Laboratory, and Technical Director of Non-Ferrous Laboratory.

SEC. 6.106 DEPARTMENT OF THE NAVY

SEC. 6.106 (a) GENERAL

(1) Positions the duties of which are of a

quasi-military character and involve the security of secret or confidential matter, when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) NC/PD. Technical or professional consultants or advisors, at entrance rate of P-5 or its equivalent and above, employed for not to exceed 6 months a year.

(3) NC/PD. Caretakers or guards employed at closed or decommissioned facilities of the Navy Department. Appointments under this subparagraph shall not extend beyond 6 months, except with the prior approval of the Commission.

(4) Alien scientists employed under the program for utilization of alien scientists approved under pertinent State, War, and Navy Coordinating Committee Directives.

(5) NC/PD. Student trainees in naval shipyards, whose salaries shall not aggregate more than \$500 a year. Only bona fide students engaged in the study of naval architecture shall be eligible for appointment under this subparagraph. Employment under this subparagraph shall not exceed 90 working days a year.

(6), (7), and (8). [Revoked March 28, 1949, effective March 29, 1949, under authority of section 6.1 (d) of Executive Order 9830.]

SEC. 6.106 (b) OFFICE OF THE SECRETARY

(1) Two private secretaries or confidential assistants to the Secretary of the Navy, one to each Assistant Secretary of the Navy and one to the Under Secretary of the Navy.

(2) One chauffeur for the Secretary of the Navy.

(3) Five Board Members of the Armed Services Renegotiation Board.

SEC. 6.106 (c) UNITED STATES NAVAL ACADEMY

(1) NC/PD. Professors, instructors, and teachers in the United States Naval Academy,

the United States Naval Postgraduate School, and the Naval War College.

SEC. 6.106 (d) UNITED STATES NAVAL HOME

(1) NC/PD. Positions of orderly when filled by the appointment of beneficiaries of the Home.

SEC. 6.106 (e) MILITARY SEA TRANSPORTATION SERVICE

(1) NC/PD. All positions on vessels operated by the Military Sea Transportation Service.

SEC. 6.107 DEPARTMENT OF THE AIR FORCE

SEC. 6.107 (a) OFFICE OF THE SECRETARY

(1) Two private secretaries or confidential assistants to the Secretary of the Air Force, one to the Under Secretary of the Air Force, and one to each Assistant Secretary of the Air Force.

(2) One Special or Confidential Assistant to the Under Secretary of the Air Force and two to each Assistant Secretary of the Air Force.

(3) Five Board Members of the Armed Services Renegotiation Board.

SEC. 6.107 (b) OFFICE OF THE INSPECTOR GENERAL

(1) Until December 31, 1950, in order to provide civilian personnel complementary to military personnel, 20 Special Agent positions in the Office of Special Investigations, Office of the Inspector General, Headquarters, and 75 Special Agent positions in district offices of the Office of Special Investigations, U. S. Air Force, in grades GS-11 or higher.

SEC. 6.107 (c) AIR FORCE INSTITUTE OF TECHNOLOGY

WRIGHT-PATTERSON AIR FORCE BASE, DAYTON, OHIO

(1) NC/PD. Civilian deans and professors.

SEC. 6.107 (d) GENERAL

(1) NC/PD. During the emergency declared by the President to exist on May 27,

1941, all positions in the Department of the Air Force on the Isthmus of Panama.

(2) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter, when in the opinion of the Commission, appointment through competitive examination is impracticable.

(3) NC/PD. Positions of Special Services hostess and librarian assigned to Air Force posts.

SEC. 6.107 (e) LOOKOUT MOUNTAIN LABORATORY, LOS ANGELES, CALIFORNIA

(1) All positions.

SEC. 6.107 (f) HEADQUARTERS, U. S. AIR FORCE

(1) Until June 30, 1952, the positions of Chief, Research Branch; Chief, Atomic Warfare Division; Assistant for Air Weapons Systems Evaluation; and Deputy Comptroller.

SEC. 6.107 (g) AIR MATÉRIEL COMMAND

(1) Until June 30, 1952, the positions of Civilian Chief, Engineering Operations; Technical Director, Electronics; Director of Geophysical Research; and Director of Physics Research Group.

SEC. 6.107 (h) RESEARCH AND DEVELOPMENT COMMAND

(1) Until June 30, 1952, the positions of Director of Research, and Director of Component and Systems Development.

SEC. 6.107 (i) MILITARY AIR TRANSPORT SERVICE

(1) Until June 30, 1952, the position of Chief, Directorate of Scientific Services.

SEC. 6.108 (a) GENERAL

(1) One private secretary or confidential assistant to each of the following: Assistant to the Attorney General, Solicitor General, Assistant Solicitor General, and each Assistant Attorney General.

(2) NC/PD. Field deputy United States marshals employed on an hourly basis for intermittent service.

(3) NC/PD. Positions of temporary deputy marshals in lieu of bailiff in the United States courts when employed on an intermittent basis.

SEC. 6.108 (b) OFFICE OF THE ATTORNEY GENERAL

(1) Two private secretaries or confidential assistants to the Attorney General.

(2) One chauffeur for the Attorney General.

(3) Eight positions in the immediate office of the Attorney General in addition to those excepted under subparagraph (1) of this paragraph.

SEC. 6.108 (c) BUREAU OF PRISONS

(1) Director and three assistant directors.

(2) The Commissioner of Industries, Federal Prison Industries, Inc.

SEC. 6.108 (d) BOARD OF PAROLE

(1) Members of the Board.

SEC. 6.108 (e) FEDERAL BUREAU OF INVESTIGATION

(1) All positions.

SEC. 6.108 (f) IMMIGRATION AND NATURALIZATION SERVICE

(1) One private secretary to the Commissioner.

(2) Three Deputy Commissioners.

SEC. 6.109 POST OFFICE DEPARTMENT

SEC. 6.109 (a) GENERAL

(1) One private secretary or confidential assistant to the head of each bureau (or office) in the Post Office Department in Washington, D. C., who is appointed by the President.

(2) NC/PD. Clerks in fourth class post offices.

(3) NC/PD. Substitute rural carriers.

(4) NC/PD. Special delivery messengers in second, third, and fourth class post offices.

employed as janitors and cleaners in small postal units in leased quarters at a compensation less than \$1,700 per annum.

(6) NC/PD. Fourth class postmasters in the Hawaiian Islands.

SEC. 6.109 (b) OFFICE OF THE POSTMASTER GENERAL

(1) Two private secretaries or confidential assistants to the Postmaster General and one to each Assistant Postmaster General except the Assistant Postmaster General identified as the Fourth Assistant Postmaster General immediately prior to approval of Reorganization Plan No. 3 of 1949.

(2) One chauffeur for the Postmaster General.

(3) Four special assistants to the Postmaster General.

(4) One private secretary to the Executive Assistant to the Postmaster General.

SEC. 6.109 (c) OFFICE OF THE SOLICITOR

(1) The Solicitor.

(2) One private secretary or confidential assistant to the Solicitor.

SEC. 6.110 DEPARTMENT OF THE INTERIOR

SEC. 6.110 (a) GENERAL

(1) NC/PD. Engineers, geologists, economists, architects and appraisers in a consulting or advisory capacity for temporary, part-time or intermittent employment. Employments under this subparagraph shall not exceed 120 working days a year unless prior permission is given by the Commission for the extension of an additional 120 days. This time limit does not apply to consultants on reclamation work authorized by the act of February 28, 1929, as amended.

(2) One private secretary or confidential assistant to the head of each bureau in the Interior Department who is appointed by the President, and one each to the Governors of Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

(3) NC/PD. Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the

appointment of persons who are certified as maintaining a permanent residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department, subject to the approval of the Commission.

(4) NC/PD. Seaman, deckhand, fireman, cook, mess attendant, and water tender on vessels of the Department of the Interior.

(5) [Revoked March 28, 1949, effective March 29, 1949, under authority of section 6.1 (d) of Executive Order 9830.]

(6) NC/PD. Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings or other structures and prevent damage or theft of Government property. Such appointments shall not extend beyond six months without the prior approval of the Commission.

(7) NC/PD. Temporary, intermittent or seasonal field assistants in forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties, for not to exceed 180 working days a year, whenever in the opinion of the Commission appointment through competitive examination is impracticable.

(8) NC/PD. Temporary emergency forest and range fire and blister rust control employees in the field service of the Department of the Interior employed for fire prevention or suppression or blister rust control for not to exceed 120 working days a year.

(9) [Revoked March 28, 1949, effective March 29, 1949, under authority of section 6.1 (d) of Executive Order 9830.]

(10) NC/PD. Persons employed in field positions the work of which is financed jointly by the Interior Department and cooperating persons or organizations outside the Federal service.

SEC. 6.110 (b) OFFICE OF THE SECRETARY

(1) Two private secretaries or confidential assistants to the Secretary of the Interior and one to each Assistant Secretary of the Interior.

(2) One chauffeur for the Secretary of the Interior.

(3) Four special assistants to the Secretary.

(4) Six special agents in the Office of Field Activities to investigate independent enterprises and other matters of a criminal nature.

(5) Director and Assistant Director of the Division of Power.

(6) One private secretary or confidential assistant to the Director of the Division of Power.

(7) Three field representatives whose duties are of a confidential nature.

SEC. 6.110 (c) BUREAU OF INDIAN AFFAIRS

(1) NC/PD. Positions in the Bureau of Indian Affairs, Washington, D. C., and in the field when filled by the appointment of Indians who are of one-fourth or more Indian blood.

(2) NC/PD. All positions in the Neopit Lumber Mills on the Menominee Indian Reservation in Wisconsin.

(3) [Revoked June 9, 1949, effective June 10, 1949, under authority of section 6.1 (d) of Executive Order 9830.]

(4) NC/PD. Housekeepers in the Indian Service at a gross salary not in excess of entrance rate of grade CPC-1 or its equivalent.

SEC. 6.110 (d) INDIAN ARTS AND CRAFTS BOARD

(1) The Executive Director.

SEC. 6.110 (e) FISH AND WILDLIFE SERVICE

(1) [Revoked June 9, 1949, effective June 10, 1949, under authority of section 6.1 (d) of Executive Order 9830.]

SEC. 6.110 (f) BUREAU OF LAND MANAGEMENT

(1) [Revoked June 9, 1949, effective June 10, 1949, under authority of section 6.1 (d) of Executive Order 9830.]

SEC. 6.110 (g) NATIONAL POWER POLICY COMMITTEE

(1) The General Counsel.

SEC. 6.110 (h) PUERTO RICO RECONSTRUCTION ADMINISTRATION

(1) One Administrator and one Head Administrative Officer.

SEC. 6.110 (i) FEDERAL PETROLEUM BOARD

(1) Three members of the Board.

- (1) The Administrator.

SEC. 6.110 (k) DIVISION OF TERRITORIES AND ISLAND POSSESSIONS

- (1) The Director of the Division.
- (2) One Hawaiian Homes Representative.
- (3) The Administrator of St. Croix, V. I.

SEC. 6.110 (l) PROGRAM DIVISION

- (1) The Director.

SEC. 6.111 DEPARTMENT OF AGRICULTURE

SEC. 6.111 (a) GENERAL

(1) NC/PD. Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service.

(2) [Revoked March 28, 1949, effective March 29, 1949, under authority of section 6.1 (d) of Executive Order 9830.]

(3) NC/PD. Any local veterinarian employed on a fee basis or a part-time basis.

(4) NC/PD. Technical or professional consultants or advisers at salaries equivalent to entrance rate of grade P-5 or higher employed for not to exceed 180 working days a year.

(5) NC/PD. Temporary seasonal field assistants in grades SP-1 through SP-5 for not to exceed 120 working days a year.

(6) NC/PD. Temporary, intermittent, or seasonal clerical, crafts, protective, and custodial positions in the field service of the Department of Agriculture at places other than civil service regional headquarters, paying not to exceed entrance rate of CAF-4 or its equivalent, or CPC-6 or its equivalent, whichever is applicable, for not to exceed 180 working days a year, whenever in the opinion of the Commission appointment through competitive examination is impracticable.

(7) NC/PD. Temporary or seasonal caretakers at temporarily closed camps or improved areas. Such appointments shall not extend

without prior approval of the Commission's regional director.

(8) NC/PD. Owner-operators of equipment who are residents in the area of employment for periods not to exceed 180 actual working days in any one calendar year.

(9) and (10) [Revoked March 28, 1949, effective March 29, 1949, under authority of section 6.1 (d) of Executive Order 9830.]

(11) NC/PD. Not to exceed 25 professional, scientific, or technical positions in grade P-2 or higher to be filled on an exchange basis by qualified employees on the rolls of State governments, colleges, or universities, for a limited period not to exceed one year.

(12) NC/PD. Local Agents, except veterinarians, employed temporarily outside of Washington, in demonstrating in their respective localities the necessity of eradicating contagious or infectious animal diseases.

(13) NC/PD. Positions the duties of which require a speaking knowledge of one of the Indian languages.

(14) NC/PD. Temporary, intermittent field enumerators and supervisors at salaries not exceeding entrance rate of CAF-5 or its equivalent, for not to exceed 180 working days a year.

SEC. 6.111 (b) OFFICE OF THE SECRETARY

(1) Two chauffeurs for the Secretary of Agriculture.

(2) Two private secretaries or confidential assistants to the Secretary of Agriculture, one to the Under Secretary of Agriculture, and one to each Assistant Secretary of Agriculture.

(3) Four assistants to the Secretary.

(4) Administrator of Land and Water Resources Programs.

SEC. 6.111 (c) OFFICE OF THE SOLICITOR

(1) The Solicitor.

SEC. 6.111 (d) BUREAU OF AGRICULTURAL ECONOMICS

(1) [Revoked October 28, 1949, effective October 29, 1949, under authority of section 6.1 (d) of Executive Order 9830.]

SEC. 6.111 (Approved For Release 2001/11/16 : CIA-RDP57-00384R000500100036-9)

(1) One private secretary or confidential assistant each to the Governor of the Farm Credit Administration, the Land Bank Commissioner, the Intermediate Credit Commissioner, the Production Credit Commissioner, and the Co-operative Bank Commissioner.

(2) NC/PD. Positions in the Federal Intermediate Credit Banks, the Production Credit Corporations, the Federal Land Banks, the Banks for Cooperatives, and positions filled by joint officers and employees for these institutions.

(3) NC/PD. Joint stock land bank receivers and positions in receiverships, and national farm loan association receivers and conservators.

SEC. 6.111 (f) COMMODITY CREDIT CORPORATION

(1) [Revoked October 3, 1949, effective October 4, 1949, under authority of section 6.1 (d) of Executive Order 9830.]

(2) The President, two Vice Presidents, and one assistant to the President.

SEC. 6.111 (g) RURAL ELECTRIFICATION ADMINISTRATION

(1) One Deputy Administrator and one Assistant Administrator.

SEC. 6.111 (h) FOREST SERVICE

(1) NC/PD. Temporary forest workers employed for not to exceed 180 working days a year, such employment to be with headquarters other than in forest supervisor and regional offices unless employed primarily for fire prevention or suppression activities.

(2) NC/PD. Temporary, intermittent or seasonal positions when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest, subject to approval by the Commission.

SEC. 6.111 (i) PRODUCTION AND MARKETING ADMINISTRATION

(1) Not to exceed ten positions of Adminis-

es equivalent to entrance rate of CAF-14 or higher.

(2) Members of State Committees.

(3) NC/PD. Farmer fieldmen and farmer fieldwomen to interpret and explain and supervise farm programs.

(4) NC/PD. Temporary, intermittent, and seasonal employees to check allotments, whose aggregate employment shall not exceed 120 working days a year.

(5) The Administrator, two Deputy Administrators, three Assistant Administrators, assistants to the Administrator, at salaries equivalent to entrance rate of CAF-13 or higher, for the duration of the war; two private secretaries to the Administrator, and one chauffeur for the Administrator.

(6) NC/PD. Ten experts at salaries equivalent to entrance rate of CAF-13 or higher, for the duration of the war.

(7) Milk Market Administrators.

(8) NC/PD. Until June 30, 1951, all positions on the staffs of Milk Market Administrators.

SEC. 6.111 (j) OFFICE OF ADMINISTRATOR, RESEARCH AND MARKETING ACT

(1) [Revoked January 10, 1950, effective January 11, 1950, under authority of section 6.1 (d) of Executive Order 9830.]

SEC. 6.111 (k) FEDERAL CROP INSURANCE CORPORATION

(1) NC/PD. Farmer fieldmen.

(2) [Revoked February 9, 1950, effective February 10, 1950, under authority of section 6.1 (d) of Executive Order 9830.]

(3) The Manager, the Assistant Manager, and two Members of the Board of Directors experienced in the insurance business who are not otherwise employed by the Government.

SEC. 6.111 (l) FARMERS HOME ADMINISTRATION

(1) Deputy Administrator.

(2) State committeemen to consider, recom-

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mend, and advise with respect to the Farmers' Home Administration program.

(3) NC/PD. County committeemen to consider, recommend, and advise with respect to the Farmers' Home Administration program.

(4) NC/PD. Temporary, intermittent and seasonal collectors at grades not higher than CAF-5 for not to exceed 180 working days a year.

(5) NC/PD. Employees appointed for not to exceed one year to engage exclusively in the making and servicing of loans required as a result of floods, freezes, storms or other natural calamities: *Provided*, That an appointment may, with the prior approval of the Commission, be extended for an additional period of not to exceed one year.

SEC. 6.111 (m) OFFICE OF FOREIGN AGRICULTURAL RELATIONS

(1) The Director.

SEC. 6.111 (n) BUREAU OF HUMAN NUTRITION AND HOME ECONOMICS

(1) [Revoked October 28, 1949, effective October 29, 1949, under authority of section 6.1 (d) of Executive Order 9830.]

SEC. 6.112 DEPARTMENT OF COMMERCE

SEC. 6.112 (a) GENERAL

(1) One private secretary or confidential assistant to the head of each bureau in the Department of Commerce who is appointed by the President.

(2) [Revoked March 28, 1949, effective March 29, 1949, under authority of section 6.1 (d) of Executive Order 9830.]

(3) NC/PD. Caretakers and helpers at magnetic and seismological observatories outside continental United States.

(4) NC/PD. Caretakers and light attendants employed on emergency landing fields and other air navigation facilities.

(5) NC/PD. Agents to take and transmit meteorological observations in connection with airways whose duties require only part of their time, and whose compensation does not exceed \$135 a month.

(6) NC/PD. Employments of individuals, firms, or corporations for not to exceed one year for special statistical studies and statistical compilations, the compensation for which is derived from funds deposited with the United States under the act of May 27, 1935 (49 Stat. 292): *Provided*, That such employments may, with the approval of the Commission, be extended for not to exceed an additional year.

(7) NC/PD. Agents employed in field positions the work of which is financed jointly by the Department of Commerce and cooperating persons, organizations, or Governmental agencies outside the Federal service.

SEC. 6.112 (b) OFFICE OF THE SECRETARY

(1) Two private secretaries or confidential assistants to the Secretary of Commerce, one to the Under Secretary of Commerce, one to the Solicitor of the Department of Commerce, and one to each Assistant Secretary of Commerce.

(2) One chauffeur for the Secretary of Commerce.

(3) Six assistants to the Secretary.

SEC. 6.112 (c) COAST AND GEODETIC SURVEY

(1) NC/PD. All civilian positions on vessels operated by the Coast and Geodetic Survey.

(2) NC/PD. Temporary positions required in connection with the surveying operations of the field service of the Coast and Geodetic Survey as may be authorized by the Commission after consultation with the Department of Commerce. Appointments to such positions shall not exceed eight months in any one calendar year.

SEC. 6.112 (a) **CIVIL AERONAUTICS ADMINISTRATION**

(1) One private secretary or confidential assistant to the Administrator of the Civil Aeronautics Administration.

SEC. 6.112 (e) **BUREAU OF THE CENSUS**

(1) NC/PD. Supervisors, assistant supervisors, and supervisor's clerks and enumerators in the field service for temporary, part-time, or intermittent employment for not to exceed one year: *Provided*, That such appointments may be extended for additional periods of not to exceed one year each. After December 31, 1952, this subparagraph shall not be authority for employment in full-time, continuous positions for longer than one year.

(2) [Revoked August 29, 1949, effective August 30, 1949, under authority of section 6.1 (d) of Executive Order 9830.]

(3) NC/PD. Special agents employed in collecting cotton statistics.

SEC. 6.112 (f) **INLAND WATERWAYS CORPORATION**

(1) The President, Vice Presidents, and Secretary-Treasurer.

(2) NC/PD. All other employees except employees of general offices at St. Louis, Missouri; New Orleans, Louisiana; Chicago, Illinois; Birmingham, Alabama; New York, New York; Washington, D. C.; and Division Managers, District Managers, District Superintendents, Superintendents of Maintenance and their staffs.

(3) All members of the Advisory Board.

SEC. 6.112 (g) **WEATHER BUREAU**

[Revoked November 1, 1949, effective November 2, 1949, under authority of section 6.1 (a) of Executive Order 9830.]

SEC. 6.112 (h) **BUREAU OF STANDARDS**

(1) NC/PD. Scientific or professional consultants or advisors at salaries equivalent to the entrance rate of P-5 or higher employed for not

under this subparagraph shall be subject to the prior approval of the Commission.

(2) and (3) [Revoked March 28, 1949, effective March 29, 1949, under authority of section 6.1 (d) of Executive Order 9830.]

SEC. 6.112 (i) **BUREAU OF PUBLIC ROADS**

(1) The Commissioner of Public Roads.

(2) One private secretary or confidential assistant to the Commissioner.

SEC. 6.113 **DEPARTMENT OF LABOR**

SEC. 6.113 (a) **GENERAL**

(1) NC/PD. Commissioners of conciliation, in labor disputes whenever in the judgment of the Secretary of Labor the interests of industrial peace so require.

(2) One private secretary or confidential assistant to the head of each bureau in the Department of Labor who is appointed by the President.

SEC. 6.113 (b) **OFFICE OF THE SECRETARY**

(1) Two private secretaries or confidential assistants to the Secretary of Labor, one to the Under Secretary of Labor, and one to each Assistant Secretary of Labor.

(2) Three special assistants to the Secretary.

(3) One chauffeur for the Secretary of Labor.

(4) Administrative Officer, CAF-15 (Special Assistant to the Under Secretary of Labor).

SEC. 6.113 (c) **UNITED STATES EMPLOYMENT SERVICE**

(1) Chief, Minorities Group Section.

SEC. 6.113 (d) **DIVISION OF LABOR STANDARDS**

(1) Director.

SEC. 6.113 (e) **OFFICE OF INTERNATIONAL LABOR AFFAIRS**

(1) Four Administrative Officers.

(2) Two labor economists (liaison officers).

**SEC. 6.114 EXECUTIVE OFFICE OF
THE PRESIDENT**

SEC. 6.114 (a) BUREAU OF THE BUDGET

(1) One private secretary or confidential assistant each to the Director and Assistant Director.

**SEC. 6.114 (b) COUNCIL OF ECONOMIC
ADVISORS**

(1) One private secretary or confidential assistant to the Chairman of the Council.

**SEC. 6.114 (c) PRESIDENT'S COMMITTEE ON
RELIGIOUS AND MORAL WELFARE AND
CHARACTER GUIDANCE IN THE ARMED
FORCES**

(1) Four positions of confidential principal assistant and two positions of confidential associate to the Committee.

**SEC. 6.115 NATIONAL SECURITY
RESOURCES BOARD**

(a) Six positions of special advisers and research assistants to the Chairman.

(b) Not to exceed 150 positions (this authority applies to all types of positions, whether of a confidential or policy-determining character or otherwise).

**SEC. 6.116 NATIONAL SECURITY
COUNCIL**

(a) Not to exceed 25 positions.

(b) All positions in the Central Intelligence Agency.

**SEC. 6.117 INTERSTATE COMMERCE
COMMISSION**

(a) One private secretary or confidential assistant to each commissioner.

**SEC. 6.118 GENERAL ACCOUNTING
OFFICE**

(a) One private secretary or confidential assistant to the Comptroller General.

(b) Two assistants to the Comptroller General.

**SEC. 6.119 BOARD OF GOVERNORS,
FEDERAL RESERVE SYSTEM**

(a) NC/PD. All positions.

**SEC. 6.120 THE TAX COURT OF THE
UNITED STATES**

(a) One private secretary and two technical assistants for each Judge of the Court.

(b) NC/PD. Until December 31, 1950, a Clerk of the Court and a Chief Deputy Clerk.

(c) One administrative assistant to the Presiding Judge.

SEC. 6.121 RECONSTRUCTION FINANCE

COBBLESTONE

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SEC. 6.121 (a) GENERAL

- (1) A Chief Accountant of the Corporation.
- (2) Chiefs of the Agency and Information Divisions of the Corporation.
- (3) Executive Directors of the following Offices of the Corporation: Defense Plants, Metals Reserve, Defense Supplies and Rubber Reserve.
- (4) All Directors, Trustees and Officers of the subsidiaries or affiliated corporations.
- (5) Not to exceed 32 positions as Loan Agency Manager and not to exceed 36 positions of Assistant Loan Agency Manager.
- (6) NC/PD. Inventory custodians, watchmen, caretakers, and laborers engaged in the care and preservation of property held by the Corporation and its subsidiaries.

SEC. 6.121 (b) OFFICE OF THE BOARD OF DIRECTORS

- (1) Two private secretaries or confidential assistants to the Chairman, Board of Directors; one private secretary and one confidential assistant to each of the members of the Board of Directors except the chairman; and one assistant to each member of the Board of Directors.
- (2) Two assistants to the Board of Directors; twelve special assistants to the Board of Directors; six special representatives (field).
- (3) NC/PD. Six administrative assistants, and two junior administrative assistants.
- (4) Two chauffeurs for the chairman and other members of the Board of Directors.

SEC. 6.121 (c) OFFICE OF THE SECRETARY

- (1) A Secretary of the Corporation; one private secretary or confidential assistant to the

Secretary; four assistant secretaries and one

SEC. 6.121 (d) OFFICE OF THE TREASURER

- (1) A Treasurer of the Corporation; a private secretary or confidential assistant to the Treasurer and two assistant treasurers.

SEC. 6.121 (e) OFFICE OF THE CONTROLLER

- (1) A Controller of the Corporation; one private secretary or confidential assistant to the Controller; one Assistant Controller; the Chief of the Research and Economics Division; the Chief of the Audit Division.

SEC. 6.121 (f) OFFICE OF THE GENERAL COUNSEL

- (1) A General Counsel of the Corporation; a private secretary or confidential assistant to the General Counsel; two special counsel and six assistants general counsel.

SEC. 6.121 (g) PRICE ADJUSTMENT BOARD

- (1) The Chief Administrative Officer.

SEC. 6.121 (h) OFFICE OF LOANS

- (1) Until December 31, 1950, positions of Manager; Assistant Manager; Executive Assistant to the Manager; Chairman and four members of the Review Committee; Chairman and Vice Chairman, Committee on Practices and Procedures; Chairman and Vice Chairman, Marketing and Liquidation Committee; Director and Assistant Director each of the Loan Operations and Field Operations Division; Chief and Assistant Chief, each of the Public Agency and Field Liaison Branches; Chief and two Assistant Chiefs of the Business Loans Branch; Chief of the Mining Branch; Chief of the Transportation Branch; Chief of the Financial Institutions Branch; Chief Engineer and Chief Appraiser of the Engineering and Appraisal Branch; Chief, Reports Analysis Branch;

Head of the Railroad Section; and Head of the Air, Motor, and Motor Vehicle Section.

SEC. 6.122 VETERANS' ADMINISTRATION

SEC. 6.122 (a) GENERAL

(1) NC/PD. Positions in Veterans' Administration facilities when filled by the appointment of members of such facilities receiving domiciliary care if, in the opinion of the Veterans' Administration the duties can be satisfactorily performed by such members.

(2) NC/PD. Positions at Veterans' Administration hospitals when filled by paraplegic patients during treatment or convalescence.

SEC. 6.122 (b) OFFICE OF THE ADMINISTRATOR

(1) Five special assistants to the Administrator.

(2) One private secretary or confidential assistant to the Administrator.

SEC. 6.122 (c) DEPARTMENT OF MEDICINE AND SURGERY

(1) One private secretary or confidential assistant to the Chief Medical Director.

SEC. 6.123 FEDERAL SECURITY AGENCY

SEC. 6.123 (a) OFFICE OF THE ADMINISTRATOR

(1) Two private secretaries or confidential assistants to the Administrator.

(2) Assistant Administrator.

(3) Three assistants to the Administrator.

SEC. 6.123 (b) NATIONAL OFFICE OF VITAL STATISTICS

(1) NC/PD. Supervisors, assistant supervisors, and supervisors' clerks and enumerators

in the field service for temporary, part-time, or intermittent service not to exceed one year.

SEC. 6.123 (c) CHILDREN'S BUREAU

(1) NC/PD. Ten professional and consultative positions required in connection with the 1950 White House Conference on Children and Youth. Employment under this subparagraph shall not extend beyond June 30, 1951.

(2) NC/PD. Five positions which are part of a joint project undertaken with an agency of a State or subdivision thereof or with a private organization provided that the agreement basic to the joint project specifies that the agency or organization is to participate in the establishment of recruitment standards and compensation rates for such positions and provided that at least one-half of the aggregate cost of such project (including salaries and the furnishing of quarters, materials, equipment, and other facilities and services) will be borne by such agency or organization.

SEC. 6.123 (d) FOOD AND DRUG ADMINISTRATION

(1) NC/PD. Professional, technical or scientific specialists when employed intermittently for short periods, not to exceed a total of 60 days in any one year, as members of the Standards Committee for duty in connection with the formulation of definitions and standards of identity and quality of food products, or as consultants upon problems in their specialized fields having to do with the enforcement of the Food, Drug, and Cosmetic Act.

SEC. 6.123 (f) **FREEDMEN'S HOSPITAL**

(1) NC/PD. Pupil nurses, internes, and externes (medical and dental), student dietitians, resident physicians and pharmaceutical internes.

SEC. 6.123 (g) **OFFICE OF SPECIAL SERVICES**

(1) One private secretary or confidential assistant to the Commissioner.

SEC. 6.123 (h) **PUBLIC HEALTH SERVICE**

(1) NC/PD. Special escorts to accompany patients of the Public Health Service in accordance with existing laws and regulations. Employment under this subparagraph shall be only for the period of time necessary for the escort to deliver the patient to his destination and to return.

(2) NC/PD. Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) NC/PD. All positions in leprosy, yellow fever, and psittacosis investigation stations.

(4) NC/PD. Trainees in cancer research.

(5) NC/PD. Positions concerned with problems in preventive medicine financed or participated in by the Federal Security Agency and a cooperating State, county, municipality, incorporated organization, or an individual, in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(6) NC/PD. Professional, technical, or scientific specialists when employed on a fee basis or part-time basis as consultants in connection with problems in preventive medicine, subject to the prior approval of the Commission.

(7) NC/PD. Internes and externes (medical and dental) and student nurses.

(8) NC/PD. Subprofessional and crafts, protective and custodial positions in the field service of the Communicable Disease Activities when filled on a temporary or seasonal basis

far more than 150 working days in any one calendar year.

(9) and (10) [Revoked March 28, 1949, effective March 29, 1949, under authority of section 6.1 (d) of Executive Order 9830.]

(11) NC/PD. Positions of medical record intern.

(12) One chief of the following sections in the National Heart Institute: Kidney and Electrolyte Metabolism, Metabolism, Chemistry of Natural Products, Cellular Physiology, Physiology and Pharmacology of the Autonomic Nervous System, and Cardiovascular Hemodynamics.

SEC. 6.124 **UNITED STATES MARITIME COMMISSION**

(a) NC/PD. All positions on Government-owned ships operated by the U. S. Maritime Commission.

(b) Twelve positions of either Chief of Bureau or Chief of Division, but not including the position of Director of Personnel.

(c) One assistant to each member of the Commission and two assistants to the Chairman of the Commission.

(d) Ten special assistants to the United States Maritime Commission.

(e) The Secretary of the Commission.

(f) The General Counsel.

(g) One private secretary or confidential assistant to each Commissioner and to the General Counsel.

(h) [Revoked May 5, 1950, effective May 6, 1950, under authority of section 6.1 (d) of Executive Order 9830.]

(i) The Financial Assistant to the Chairman.

SEC. 6.125 **FEDERAL POWER COMMISSION**

(a) One private secretary and one confidential assistant to each Commissioner.

(b) A Secretary of the Commission.

(c) NC/PD. Consultants, experts and special counsel whose employments and compensation are fixed by contract within the limits of special funds appropriated by Congress for this purpose.

(d) Three special assistants to the Commission.
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(e) One assistant to the Chairman.

(f) A General Counsel and three Assistant General Counsels.

SEC. 6.126 SECURITIES AND EXCHANGE COMMISSION

(a) One private secretary or confidential assistant to each member of the Commission.

(b) A General Counsel.

(c) Director, Division of Trading and Exchanges; Director, Division of Public Utilities; Director, Division of Corporation Finance.

(d) One Chief Accountant.

(e) One assistant to the Chairman.

SEC. 6.127 NATIONAL RAILROAD ADJUSTMENT BOARD

(a) One private secretary or confidential assistant to each member of the Board.

(b) One private secretary or confidential assistant to each member of regional adjustment boards.

SEC. 6.128 NATIONAL CAPITAL PARK AND PLANNING COMMISSION

(a) NC/PD. Architectural or engineering consultants, land appraisers and land purchasing officers for temporary, intermittent, or part-time service.

SEC. 6.129 FEDERAL DEPOSIT INSURANCE CORPORATION

(a) Two special assistants, private secretaries, or confidential assistants to each member of the Board of Directors.

(b) NC/PD. All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

SEC. 6.130 FEDERAL TRADE COMMISSION

(a) General Counsel.

(b) Director, Bureau of Economics.

(c) Director, Bureau of Antideceptive Practices.

(d) Director, Bureau of Antideceptive Practices.

(e) Director, Bureau of Industry Cooperation.

SEC. 6.131 NATIONAL CAPITAL HOUSING AUTHORITY

(a) The Executive Officer.

SEC. 6.132 UNITED STATES SOLDIERS' HOME

(a) NC/PD. All positions.

SEC. 6.133 GENERAL SERVICES ADMINISTRATION

SEC. 6.133 (a) GENERAL

(1) NC/PD. Agents employed in field positions the work of which is financed jointly by General Services Administration and cooperating persons, organizations, or Governmental agencies outside the Federal service.

(2) NC/PD. Temporary field positions concerned with the inspection, inventory, pricing, sale, and shipping of surplus property at the site of the property.

(3) NC/PD. Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

SEC. 6.133 (b) OFFICE OF THE ADMINISTRATOR

(1) One private secretary or confidential assistant to the Administrator.

(2) Two expert assistants to the Administrator.

(3) Deputy Administrator.

(4) One private secretary or confidential assistant to the Deputy Administrator.

SEC. 6.133 (c) PUBLIC BUILDINGS ADMINISTRATION

(1) Commissioner.

(2) One private secretary or confidential assistant to the Commissioner.

SEC. 6.133 (d) BUREAU OF COMMUNITY FACILITIES
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- (1) Commissioner.
- (2) One private secretary or confidential assistant to the Commissioner.

SEC. 6.133 (e) BUREAU OF FEDERAL SUPPLY

- (1) Director.
- (2) One private secretary or confidential assistant to the Director.

SEC. 6.133 (f) ARCHIVIST OF THE UNITED STATES

- (1) The Archivist.
- (2) One private secretary or confidential assistant to the Archivist.

SEC. 6.133 (g) WAR ASSETS ADMINISTRATION

(1) and (2) [Revoked August 30, 1950, effective August 31, 1950, under authority of section 6.1 (d) of Executive Order 9830.]

(3) and (4) [Redesignated as subparagraphs (2) and (3) of section 6.133 (a), June 20, 1950, effective June 21, 1950, under authority of section 6.1 (a) of Executive Order 9830.]

SEC. 6.134 FEDERAL COMMUNICATIONS COMMISSION

- (a) A Secretary to the Commission.
- (b) One private secretary or confidential assistant to each Commissioner.
- (c) A general counsel and one assistant general counsel.
- (d) A chief engineer and one assistant chief engineer and, until the positions are abolished following completion of the present reorganization, two additional assistant chief engineers.
- (e) A chief accountant and one assistant chief accountant and, until the positions are abolished following completion of the present reorganization, two additional assistant chief accountants.
- (f) One chief of each of the following bureaus: Broadcast, Common Carrier, Safety and Special Services, and Field Engineer and Monitoring.

SEC. 6.135 UNITED STATES TARIFF COMMISSION
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- (a) The Secretary of the Commission and one private secretary or confidential assistant to each Commissioner.

SEC. 6.136 RAILROAD RETIREMENT BOARD

(a) Two members of the Actuarial Advisory Committee to be selected by the Board, one from recommendations made by representatives of the employees, and one from recommendations made by the carriers.

(b) Two members of each District Board which may be established by the Railroad Retirement Board, one member to be appointed from recommendations made by the representatives of the employees, and one from recommendations made by the carriers.

(c) NC/PD. Special claims agents (compensated on piece-rate basis) to accept registration of unemployed railroad workers residing in areas in which no employer facilities are located, or in which no employer will make facilities available for the registration of such employees.

SEC. 6.137 CIVIL AERONAUTICS BOARD

- (a) A Secretary to the Board.
- (b) A General Counsel and two Assistant General Counsels.
- (c) Two permanent expert consultants.
- (d) NC/PD. Professional, technical and scientific consultants for temporary, part-time or intermittent employment for periods not to exceed six months in any one calendar year, but such employment may be extended for an additional six months with the approval of the Commission.
- (e) NC/PD. Examiners employed on a temporary, part-time, or intermittent basis for periods not to exceed four months in any calendar year.
- (f) One confidential assistant to each member of the Board.
- (g) A Director and two Assistant Directors of the Economic Bureau; Director of the Bureau of Safety Regulation; Director of the Bureau

of Safety Investigation; and until December 31, 1950, Assistant Director of the Bureau of Safety Regulation and Assistant Director of the Bureau of Safety Investigation.

(h) One Executive Assistant to the Chairman of the Board.

SEC. 6.138 NATIONAL LABOR RELATIONS BOARD

(a) One private secretary or confidential assistant to each member of the Board.

(b) NC/PD. Election Clerks and Election Examiners for temporary, part-time, or intermittent employment in connection with elections under the Labor Management Relations Act.

SEC. 6.139 GOVERNMENT PRINTING OFFICE

(a) One private secretary or confidential assistant to the Public Printer.

SEC. 6.140 EXPORT-IMPORT BANK OF WASHINGTON

(a) Two private secretaries or confidential assistants to the Chairman of the Board of Directors and one to each member of the Board.

(b) The President, three Vice Presidents, the Treasurer, the Secretary.

(c) Chiefs of the following Divisions: Legal, Economic, Examining, Engineering, and Private Capital.

SEC. 6.141 WAR ASSETS ADMINISTRATION

[Revoked November 7, 1949, effective November 8, 1949, under authority of section 6.1 (d) of Executive Order 9830.]

SEC. 6.142 HOUSING AND HOME FINANCE AGENCY

SEC. 6.142 (a) OFFICE OF THE ADMINISTRATOR

(1) Assistant to the Administrator, Assistant Administrator (Program), Assistant Administrator (Lanham Act Functions).

SEC. 6.142 (b) HOME LOAN BANK BOARD

(1) One assistant to the Board.

(2) One Assistant to the Chairman of the Board.

(3) One private secretary to the Chairman of the Board.

(4) One General Counsel and one Assistant to the General Counsel.

(5) One Financial Advisor.

(6) The Governor and three Deputy Governors of the Federal Home Loan Bank System.

(7) One Assistant to the Governor of the Federal Home Loan Bank System.

(8) One Associate General Counsel, Federal Home Loan Bank System.

(9) One General Manager and two Deputy General Managers, Federal Savings and Loan Insurance Corporation.

(10) One Associate General Counsel, Federal Savings and Loan Insurance Corporation.

(11) NC/PD. All field positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions, or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom, and all temporary field positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions.

(12) One General Manager and two Deputy General Managers, Home Owners' Loan Corporation.

(13) One Associate General Counsel, Home Owners' Loan Corporation.

SEC. 6.142 (c) FEDERAL HOUSING ADMINISTRATION

(1) One First Assistant Commissioner, five Assistant Commissioners, one Assistant to the Commissioner, five Zone Commissioners, and one Special Assistant to the Assistant Commissioner (Field Operations).

(2) An Executive Secretary of the Administration.

(3) Two private secretaries or confidential assistants to the Commissioner.

(4) One chauffeur to the Commissioner.

(5) A General Counsel.

(6) One Assistant to the Commissioner on Public Relations.

(7) NC/PD. Until December 31, 1950, eighty Field Divisions (Release 2001/11/16 : CIA-RDP57-00384R000500100036-9
Territorial).

SEC. 6.142 (d) PUBLIC HOUSING ADMINISTRATION

(1) One private secretary or confidential assistant to the Commissioner.

SEC. 6.143 INDIAN CLAIMS COMMISSION

(a) One private secretary or confidential assistant to each Commissioner.

SEC. 6.144 SELECTIVE SERVICE SYSTEM

(a) NC/PD. State Directors.

(b) NC/PD. Deputy or Assistant State Directors, Procurement Officers, and Medical Officers in State Headquarters.

(c) NC/PD. Branch or Division Chiefs in State Headquarters in charge of Selective Service Records, when such positions are filled by persons who were serving as State Directors or Assistant State Directors of the Office of Selective Service Records at the time the Selective Service System took over the functions of the Office of Selective Service Records.

(d) NC/PD. Until January 1, 1953, the following positions in the National Advisory Committee on the Selection of Doctors, Dentists, and Allied Specialists: One Executive Secretary; professional advisors in the fields of medicine, dentistry, veterinary medicine, and related fields.

SEC. 6.145 CIVIL SERVICE COMMISSION

(a) [Revoked March 28, 1949, effective March 29, 1949, under authority of section 6.1 (d) of Executive Order 9830.]

(b) Positions of members of the Loyalty Review Board and of members of the Regional Loyalty Boards.

(c) Positions of members of the Fair Employ-

ment Board of the Commission's Central Office and of members of the Regional Fair Employment Boards as may be established.

SEC. 6.147 NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

(a) Six alien scientists having special qualifications in the field of aeronautical research where such employment is deemed by the Chairman of the National Advisory Committee for Aeronautics to be necessary in the public interest.

(b), (c) and (d) [Revoked March 28, 1949, effective March 29, 1949, under authority of section 6.1 (d) of Executive Order 9830.]

SEC. 6.148 PANAMA CANAL COMPANY, NEW YORK

(a) The Vice President, Third Vice President, the Secretary, and the Treasurer.

(b) NC/PD. All positions on vessels operated by the Panama Canal Company.

(c) NC/PD. Checkers employed on w. a. e. basis.

SEC. 6.149 ECONOMIC COOPERATION ADMINISTRATION

(a) Not to exceed 25 positions of a policy determining character at salaries in excess of \$10,000 but not in excess of \$15,000 per annum.

(b) [Revoked March 28, 1949, effective March 29, 1949, under authority of section 6.1 (d) of Executive Order 9830.]

(c) Two private secretaries or confidential assistants to the Administrator, one to the Deputy Administrator, and one to each policy-determining official receiving a salary of \$15,000 per annum.

(d) Not to exceed 30 positions at GS-12 or above when filled by persons who have served overseas with the Administration for not less than 1 year.

SEC. 6.150 WAR CLAIMS COMMISSION

- (a) The Executive Director.
(b) One private secretary or confidential assistant to each Commissioner.
(c) One confidential assistant to the Executive Director.

SEC. 6.151 MOTOR CARRIER CLAIMS COMMISSION

- (a) One private secretary or confidential assistant to each Commissioner.
(b) Clerk to the Commission.

SEC. 6.152 GOVERNMENT PATENTS BOARD

- (a) One Confidential Assistant to the Chairman.

SEC. 6.153 SUBVERSIVE ACTIVITIES CONTROL BOARD

- (a) One confidential secretary—administrative assistant to the Chairman.
(b) Five assistants to Board Members.
(c) Four confidential secretaries to Board Members.

SEC. 6.154 DEFENSE TRANSPORT ADMINISTRATION

- (a) One private secretary or confidential assistant to the Administrator.

Schedule B

SEC. 6.200 POSITIONS WHICH MAY BE FILLED UPON NONCOMPETITIVE EXAMINATION

The positions enumerated in sections 6.201 to 6.216 are those excepted from the competitive service to which appointments may be made after such noncompetitive examination as the Commission shall prescribe, and constitute Schedule B.

NOTE: In accordance with section 6.1 (f) the Commission has designated the positions in Schedule E which are not of a primarily confidential or policy-determining character by inserting before the appropriate provision the letters "NC/PD."

SEC. 6.201 INTERIOR DEPARTMENT

(a) NC/PD. Any competitive position at an Indian school when filled by the spouse of a competitive employee of the school, when because of isolation or lack of quarters, the Commission deems appointment through competitive examination impracticable.

(b) Twelve field representatives to act as the immediate and confidential representative of the Commissioner of Indian Affairs, subject to such evidence of qualifications as the Commission may prescribe after consultation with the Commissioner of Indian Affairs.

SEC. 6.202 HOUSING AND HOME FINANCE AGENCY

SEC. 6.202 (a) FEDERAL HOUSING ADMINISTRATION

- (1) A Technical Director; a Land Planning Director; a Director of Research and Statistics.
(2) A Comptroller.
(3) NC/PD. Two Land Use Planners.

SEC. 6.202 (b) PUBLIC HOUSING

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(1) NC/PD. Administrative or custodial positions in the field service of the Public Housing Administration relating to the management or maintenance of Federal low-rent housing projects when, in the opinion of the Commission, appointment through competitive examination is impracticable: *Provided*, That no position shall be filled under this subparagraph unless it is clearly demonstrated that the best interests of the service will be served thereby.

SEC. 6.203 DEPARTMENT OF COMMERCE

(a) Not to exceed six specialists who may be employed in the United States for the purpose of promoting the foreign and domestic commerce of the United States.

SEC. 6.204 DEPARTMENT OF THE ARMY

(a) NC/PD. Positions of military storekeeper in the Signal Service at Large when filled by retired noncommissioned officers of the Signal Corps.

(b) Positions assigned exclusively to Army Communications Intelligence Activities.

SEC. 6.205 NAVY DEPARTMENT

(a) Positions assigned exclusively to Navy Communications Intelligence Activities.

(b) Any position outside the continental limits of the United States (except the Canal Zone and Alaska), when in the opinion of the Secretary of the Navy the best interests of the service so require.

SEC. 6.206 DISTRICT OF COLUMBIA GOVERNMENT

(a) NC/PD. Surgeons of the Police and Fire Departments of the District of Columbia.

SEC. 6.207 FEDERAL TRADE COMMISSION

(a) Not to exceed five special experts.

SEC. 6.208 STATE DEPARTMENT

(a) NC/PD. Until June 30, 1951, political, economic, financial, and other technical professional positions (not including information positions) at the salary level of \$4,600 and above, requiring specialized foreign relations knowledge, training, or experience with respect to a particular foreign area, foreign language, or foreign affairs problem.

(b) NC/PD. Until June 30, 1951, persons formerly employed abroad in the Foreign Service for a period of at least 4 years for service in executive and administrative positions, or employed abroad for at least 2 years for professional positions, at the salary level of \$4,600 and above.

(c) NC/PD. Positions of professional and technical specialists in the fields of health and sanitation, food supply, education and transportation, in Grade P-5 or its equivalent, in the Institute of Inter-American Affairs and the Inter-American Educational Foundation, Incorporated, when filled by the appointment of persons who have served in such positions in the Federal service in foreign countries.

(d) Positions assigned exclusively to Department of State Cryptographic Security Activities.

SEC. 6.209 POST OFFICE DEPARTMENT

(a) NC/PD. One postal rate expert.

SEC. 6.210 FEDERAL POWER COMMISSION

(a) A Chief Engineer.

(b) Five regional engineers.

(c) A chief and an assistant chief of the following bureaus: Bureau of Accounts, Finance and Rates, Bureau of Power.

(d) One chief of each of the following seven divisions: Accounts, Electric Resources and Requirements, Finance and Statistics, Gas Certificates, Licensed Projects, Rates, and River Basins.

(e) A Chief Accountant.

SEC. 6.211 (a) COMMODITY CREDIT CORPORATION

(1) NC/PD. Technical or professional consultants or advisers, at salaries equivalent to entrance rate of grade P-5 or higher, for periods not to exceed 18 months.

SEC. 6.211 (b) FARM CREDIT ADMINISTRATION

(1) The Deputy Governor, Deputy Commissioners and Assistant Commissioners, the Director and Assistant Director of the Regional Agricultural Credit Division, and the Director of the Mortgage Corporation Service Section.

(2) Special field representatives who serve as Vice Presidents of the Federal Farm Mortgage Corporation.

SEC. 6.212 NATIONAL CAPITAL HOUSING AUTHORITY

(a) NC/PD. Architectural or engineering consultants, construction supervisors, landscape planners, surveyors and related positions for temporary, intermittent or part-time service.

SEC. 6.213 DEPARTMENT OF JUSTICE

(a) NC/PD. Special experts employed on a temporary basis for specific litigation or other legal work in which technical knowledge of particular industries, or knowledge of other highly technical matters not possessed by regular employees of the Department, is required for successful results. Such temporary employment shall be only for such time as is required to complete the specific assignment for which the original appointment was approved.

(b) NC/PD. Assistants to cottage officers, National Training School for Boys, when filled by the appointment of bona fide students at colleges or universities at salaries not in excess of \$720 per annum, subject to the approval of the Commission.

(a) NC/PD. Positions in the Selective Service System when filled by persons who, as commissioned officer personnel in the armed forces have previously been trained for or have been on active military duty in the Selective Service program, and cannot, for some reason beyond their control, be brought to active military duty in the current Selective Service program.

SEC. 6.215 TREASURY DEPARTMENT

(a) Cryptographer, United States Coast Guard.

SEC. 6.216 DEPARTMENT OF THE AIR FORCE

(a) Positions assigned exclusively to Air Force Communications Intelligence Activities.

SEC. 6.217 NATIONAL MILITARY ESTABLISHMENT

SEC. 6.217 (a) OFFICE OF THE SECRETARY OF DEFENSE

(1) Positions assigned exclusively to Communications Intelligence Activities.

REGULATIONS UNDER CIVIL SERVICE RULE VI

SEC. 6.300 Regulations for the administration and enforcement of the Veterans' Preference Act in connection with positions excepted from the competitive service. (a) The regulations issued by the Commission pursuant to section 11 of the Veterans' Preference Act of 1944 for the administration and enforcement of the provisions of that act in connection with positions excepted from the competitive service shall be followed by agencies with respect to positions listed in Schedules A and B and positions excepted from the competitive service by statute.

Appendix to Part 6

Positions Excepted by Statute From the Competitive Service

ENTIRE EXECUTIVE CIVIL SERVICE

Employment under section 15 of the act of August 2, 1946 (Public Law 600, 79th Cong.; 60 Stat. 810; 5 U. S. C. 55a), which reads as follows:

"The head of any department, when authorized in an appropriation or other Act, may procure the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract, and in such cases such service shall be without regard to the civil-service * * * laws * * *."

Draftsmen and other skilled assistants necessary to the heads of the executive departments, independent agencies, and establishments of the Federal Government, and the Commissioners of the District of Columbia, to cooperate with the National Capital Sesquicentennial Commission in the procurement, installation, and display of exhibits (section 4 of the act of May 31, 1949, Public Law 78, 81st Cong.).

Personnel outside the continental limits of the United States necessary to carry out the functions, under title IV of the Federal Property and Administrative Services Act of 1949 (Public Law 152, 81st Cong., June 30, 1949), of the head of each executive agency responsible for the disposal of foreign excess property under that title.

Temporary and intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract, for the purpose of carrying out the food and feed conservation program provided for by section 8 of the act of December 30, 1947 (61 Stat. 947; 50 App., U. S. C. supp., 1918).

Personal services paid from the appropriations under the heading "Emergency Fund for the President" in the Independent Offices Appropriation Act, 1951 (chapter VIII of Public Law 759, 81st Cong., September 6, 1950) and under the heading "Emergencies (National Defense)" in the Supplemental Appropriation Act, 1951 (Public Law 843, 81st Cong., September 27, 1950).

Personnel paid from the appropriation under the heading "Executive Mansion and Grounds" in the Independent Offices Appropriation Act, 1951 (chapter VIII of Public Law 759, 81st Cong., September 6, 1950).

Temporary additional personnel employed by any Federal agency in performing any activities under section 3 of the act of September 30, 1950 (Public Law 875, 81st Cong.), entitled "An act to authorize Federal assistance to States and local governments in major disasters, and for other purposes."

EXECUTIVE OFFICE OF THE PRESIDENT

The White House Office.—Personal services paid from an appropriation of \$100,000 in the Independent Offices Appropriation Act, 1951 (chapter VIII of Public Law 759, 81st Cong., September 6, 1950).

Philippine Alien Property Administration.—Employment outside the United States (chapter VIII of Public Law 759, 81st Cong., September 6, 1950).

DEPARTMENT OF STATE

Employment of persons on a temporary basis (not to exceed \$120,000) and aliens from funds appropriated under the heading "International information and educational activities" in the Department of State Appropriation Act, 1951 (chapter III, title I, of Public Law 759, 81st Cong., September 6, 1950), and in the Supplemental Appropriation Act, 1951 (Public Law 843, 81st Cong., September 27, 1950).

Employment of personnel outside the United States, paid from funds appropriated under the heading "Philippine rehabilitation" in the Department of State Appropriation Acts, 1950 (Public Law 179, 81st Cong., July 20, 1949), and 1951 (chapter III, title I, of Public Law 759, 81st Cong., September 6, 1950).

Personnel of the faculty or staff of the Foreign Service Institute when the appointment of such personnel without regard to the civil-service laws and regulations is deemed necessary by the Secretary for the effective administration of title VII of the Foreign Service Act, 1946 (60 Stat. 1018, August 13, 1946; 22 U. S. C. 1044).

Personnel paid from funds appropriated under the heading "International contingencies" in the Department of State Appropriation Act, 1951 (chapter III, title I, of Public Law 759, 81st Cong., September 6, 1950).

Staff of the member of the International Whaling Commission representing the United States of America (Whaling Convention Act of 1949, Public Law 676, 81st Cong., August 9, 1950).

Staff of the United States Commissioners in the Caribbean Commission and their alternates (62 Stat. 65, March 4, 1948; 22 U. S. C. 280i).

Secretariat of the National Commission on Educational, Scientific, and Cultural Cooperation (60 Stat. 713, July 30, 1946; 22 U. S. C. 287r).

Staffs of representatives of the United States at the General Conference of United Nations Educational, Scientific, and Cultural Organization (60 Stat. 714, July 30, 1946; 22 U. S. C. 287r).

United States representative or representatives and alternates on the International Labor Organization,

and their staff (62 Stat. 1151, June 30, 1948, 22 U. S. C. 272a). Approved For Release 2001/11/16 : CIA-RDP57-00384R000500100036-9

Staffs of United States representatives and alternates to attend sessions of the general council and executive committee of the International Refugee Organization (61 Stat. 215, July 1, 1947; 22 U. S. C. 289b).

Staff of the United States delegates and alternates to the Pan American Railway Congress (62 Stat. 1060, June 28, 1948; 22 U. S. C. 280k).

Staff of the United States Commissioners in the South Pacific Commission and their alternates (62 Stat. 15, January 28, 1948; 22 U. S. C. 280b).

Staff of the United States representative and alternate on the Executive Board of the World Health Organization (62 Stat. 441, June 14, 1948; 22 U. S. C. 290b).

Staff of commissioner to represent the United States in connection with the Port-au-Prince Bicentennial Exposition (Public Law 251, 81st Cong., August 19, 1949).

The Institute of Inter-American Affairs.—Officers, employees, agents, and attorneys employed for service outside the continental limits of the United States (61 Stat. 781, August 5, 1947; 22 U. S. C. 281b).

United States Mission to the United Nations.—All positions (59 Stat. 621, December 20, 1945, as amended by the act of October 10, 1949, Public Law 341, 81st Cong.; 22 U. S. C. 287e).

United States Commissioner, International Boundary and Water Commission, United States and Mexico.—Employment as consultants of retired personnel of the Armed Forces of the United States (American-Mexican Treaty Act of 1950, Public Law 786, 81st Cong., September 13, 1950).

DEPARTMENT OF DEFENSE

Members of the National Industrial Reserve Review Committee (section 10, act of July 2, 1948, 62 Stat. 1227; 50 U. S. C. 459).

Procurement of the services of architects and engineers, or organizations thereof, whenever the Secretary of the Army, Navy, or Air Force, or his duly designated representative determines that it is desirable in order to effectuate the purposes of title VIII of the National Housing Act, as amended. (This title is entitled "Military Housing Insurance." The exception is contained in the act of May 2, 1950, Public Law 498, 81st Cong.).

Central Intelligence Agency.—All positions (section 10 of the act of June 20, 1949, Public Law 110, 81st Cong.).

Department of the Army.—Experts necessary for carrying out the functions entrusted to the Secretary of the Army under the Bonneville Project Act, as amended (50 Stat. 736, August 20, 1937, as amended by the act of October 23, 1945, 59 Stat. 547; 16 U. S. C. 832i).

Employment outside the continental United States, paid from the appropriation made under the heading "Government and Relief in Occupied Areas" in the Foreign Aid Appropriation Act, 1951 (chapter XI of

1950), when necessary to carry out the purposes of the appropriation.

Quartermaster Corps.—Employment paid from funds appropriated under the heading "Cemeterial expenses (Act of May 16, 1946)" in the Civil Functions Appropriation Act, 1949 (62 Stat. 1019, June 25, 1948), when necessary to carry out the purposes of the appropriation.

DEPARTMENT OF THE INTERIOR

Director of the Oil and Gas Division (Interior Department Appropriation Act, 1951, chapter VII of Public Law 759, 81st Cong., September 6, 1950).

Employment of Navajo and Hopi Indians on projects undertaken pursuant to the act of April 19, 1950 (Public Law 474, 81st Cong., April 19, 1950), entitled "An act to promote the rehabilitation of the Navajo and Hopi Tribes of Indians and a better utilization of the resources of the Navajo and Hopi Indian Reservations, and for other purposes."

Members of the advisory committee to exercise consultative functions in connection with the administration of the act of December 18, 1942 (56 Stat. 1056.)

Members of the advisory committee authorized by section 4 of the act of March 25, 1948 (Public Law 454, 80th Cong.), to exercise consultative functions in connection with the administration of the act. (The act provides for the establishment and operation of a research laboratory in the North Dakota lignite-consuming region for investigation of the mining, preparation, and utilization of lignite, for the development of uses and markets, for improvement of health and safety in mining; and for a comprehensive study of the possibilities for increased utilization of the lignite resources of the region to aid in the solution of its economic problems and to make its natural and human resources of maximum usefulness in the reconversion period and time of peace.)

Bonneville Power Administration.—An Assistant Administrator, a chief engineer, and a general counsel; physicians employed under agreement to make physical examinations of employees or prospective employees who are or may become laborers, mechanics, and workmen; experts necessary for carrying out the functions entrusted to the Administrator under the Bonneville Project Act, as amended (50 Stat. 736, August 20, 1937, as amended by the act of October 23, 1945, 59 Stat. 547; 16 U. S. C. 832i).

Bureau of Indian Affairs.—Legal counsel employed by an Indian tribe or tribal council (48 Stat. 987, June 18, 1934; 25 U. S. C. 476).

Bureau of Mines.—Members of the advisory committee to exercise consultative functions in connection with the administration of the act of May 7, 1941 (55 Stat. 179; 30 U. S. C. 4f et seq.), which relates to certain inspections and investigations in coal mines for the purpose of obtaining information relating to health and safety conditions, accidents, and occupational diseases therein.

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Temporary services and employment of persons as required in the conduct of programs for the control of fires in inactive coal deposits and flood prevention in anthracite mines (Interior Department Appropriation Act, 1951, chapter VII of Public Law 759, 81st Cong., September 6, 1950).

Puerto Rico Reconstruction Administration.—All positions paid from the revolving fund provided for by the act of February 11, 1936 (49 Stat. 1135).

Virgin Islands Corporation.—All positions (section 4 of the act of June 30, 1949, Public Law 149, 81st Cong.).

DEPARTMENT OF AGRICULTURE

Experts necessary in carrying out the provisions of the Bankhead-Jones Farm Tenant Act (50 Stat. 52; 7 U. S. C. 1001-1005d, 1007, 1008-1029), as amended. (The excepting provision is contained in the amendment of section 41 of the Bankhead-Jones Farm Tenant Act by the Farmers' Home Administration Act of 1946 (60 Stat. 1062, 1064, August 14, 1946; 7 U. S. C. 1015).)

Employment on a temporary basis and for a term not to exceed 6 months in any fiscal year of technically qualified persons, firms, or organizations to perform research, inspection, classification, technical, or other special services necessary to the administration of the Agricultural Marketing Act of 1946 (60 Stat. 1087, 1091, August 14, 1946; 7 U. S. C. 1621-1627).

Employment on a contract basis of appraisers, accountants, attorneys, and other personnel to aid in: (1) The liquidation and transfer of properties and assets pursuant to the Rural Rehabilitation Corporation Trust Liquidation Act; (2) the entering into of agreements with the corporations, or other agencies or officials designated pursuant to section 2 (c) of the act regarding the rural rehabilitation purposes for which the property and assets shall thereafter be used by them; and (3) determining that such agreed purposes are being carried out (Public Law 499, 81st Cong., May 3, 1950). (The act cited requires that "the contract shall in each case specify what civil service and related laws, if any, shall be applicable to the employment after it has been made.")

Commodity Credit Corporation.—Expert positions (62 Stat. 1070, June 29, 1948, as amended by Public Law 85, 81st Cong., June 7, 1949; 15 U. S. C. 714h).

Farm Credit Administration.—Purchase of manuscripts, data, and special reports by personal service (section 602 of the act of September 21, 1944, 58 Stat. 741; 12 U. S. C. 833).

Federal Crop Insurance Corporation.—Personnel paid by the hour, day, or month when actually employed, and county crop insurance committeemen (Public Law 268, 81st Cong., August 25, 1949).

DEPARTMENT OF COMMERCE

Experts in marine insurance necessary under Title XII, "War Risk Insurance," of the Merchant Marine Act, 1936, as amended. (The excepting provision is contained in the act of September 7, 1950, Public Law 763, 81st Cong.)

Temporary supervisors, supervisors' clerks, enumerators, and interpreters (46 Stat. 21, June 18, 1929; 13 U. S. C. 203).

Civil Aeronautics Administration.—Instructors, air-men, medical and other professional examiners, and experts in training and research, employed for the purpose of carrying out the functions of the Administrator under section 302 of the Civil Aeronautics Act of 1938 (49 U. S. C. 452), as amended by the act of June 29, 1948 (62 Stat. 1093).

National Bureau of Standards.—Employees conducting observations on radio propagation phenomena in the Arctic region (Department of Commerce Appropriation Act, 1951 (chapter III, title III of Public Law 759, 81st Cong., September 6, 1950).)

Public Roads Administration.—Employment of personnel outside the continental United States for carrying out the provisions of section 2 of the act entitled "An act to provide emergency relief for the victims of the seismic waves which struck the Territory of Hawaii" (60 Stat. 948, August 8, 1946), paid from funds appropriated under the heading "War and emergency damage, Territory of Hawaii" in the First Supplemental Appropriation Act, 1947 (60 Stat. 914).

Weather Bureau.—Employees for the conduct of meteorological investigations in the Arctic region (act of February 12, 1946, 60 Stat. 4; 15 U. S. C. 313a; 62 Stat. 286, June 2, 1948).

DEPARTMENT OF LABOR

Bureau of Labor Statistics.—Temporary employees paid from the appropriation headed "Revision of Consumers' Price Index" in the Department of Labor Appropriation Act, 1951 (chapter V, title I of Public Law 759, 81st Cong., September 6, 1950).

Bureau of Employment Security.—Temporary employment for the farm placement migratory labor program (Department of Labor Appropriation Act, 1951 (chapter V, title I of Public Law 759, 81st Cong., September 6, 1950).)

Wage and Hour Division.—Industry committees (act of June 25, 1938, 52 Stat. 1062, as amended by Public Law 393, 81st Cong., October 26, 1949; 29 U. S. C. 205).

HOUSING AND HOME FINANCE AGENCY

Assistant Commissioner to administer the provisions of section 213 of the National Housing Act, as added by section 114 of the Housing Act of 1950 (Public Law 475, 81st Cong., April 20, 1950). (Section 213 is entitled "Cooperative Housing Insurance.")

FEDERAL SECURITY AGENCY

Public Health Service.—Commissioned officers both of the Regular Corps and of the Reserve Corps; special consultants employed in accordance with the regulations to assist and advise in the operations of the Service; individual scientists designated to receive fellowships; the twelve appointive members of the National Advisory Health Council, the National Advisory Cancer Council, the National Advisory Mental

and the National Advisory Dental Research Council; the twelve appointive members of national advisory councils established under section 431 (a) or section 432 of the Public Health Service Act, as amended (sections 203, 208, 217, and 432 of the Public Health Service Act, 58 Stat. 683, July 1, 1944, as amended by the acts of July 3, 1946, 60 Stat. 422, June 16, 1948, 62 Stat. 469, June 24, 1948, 62 Stat. 600, and August 15, 1950, Public Law 692, 81st Cong.; 42 U. S. C. 204, 209, 218).

GENERAL SERVICES ADMINISTRATION²

Temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, to carry out the provisions of titles I, II, III, V, and VI of the Federal Property and Administrative Services Act of 1949 (section 218 (b) of Public Law 152, 81st Cong., June 30, 1949), as amended by the act of September 5, 1950 (Public Law 754, 81st Cong.).

Personal services paid from funds appropriated under the heading "Renovation and Modernization, Executive Mansion" in the Second Deficiency Appropriation Act, 1949 (Public Law 119, 81st Cong., June 23, 1949).

Office of Contract Settlement.—One Deputy Director; certified public accountants, qualified cost accountants, industrial engineers, appraisers, and other experts (section 4 (d) of the Contract Settlement Act of 1944, 58 Stat. 651; 41 U. S. C. 104).

Members of the Appeal Board (section 13 (d) of the Contract Settlement Act of 1944, 58 Stat. 660, July 1, 1944; 41 U. S. C. 113).

The National Archives.—Personnel to carry out the purposes of Public Law 13, 81st Congress, March 2, 1949, "To provide for the acquisition and operation of the Freedom Train by the Archivist of the United States, and for other purposes."

National Archives Trust Fund Board.—All positions (55 Stat. 582, July 9, 1941; 44 U. S. C. 300hh).

¹ Section 208 of the Public Health Service Act, as amended by Public Law 692, 81st Cong., also provides as follows:

"(g) The Administrator is authorized to establish and fix the compensation for, within the Public Health Service, not more than thirty positions, in the professional and scientific service, each such position being established to effectuate those research and development activities of the Public Health Service which require the services of specially qualified scientific or professional personnel: * * * Positions created pursuant to this subsection shall be included in the classified civil service of the United States, but appointments to such positions shall be made without competitive examination upon approval of the proposed appointee's qualifications by the Civil Service Commission or such officers or agents as it may designate for this purpose."

² Section 105 of the Federal Property and Administrative Services Act of 1949 (Public Law 152, 81st Cong., June 30, 1949) provides in part as follows: "Personnel now holding appointments granted under the second sentence of section 5 (b) of the Surplus Property Act of 1944, as amended, may be continued in such positions or may be appointed to similar positions for such time as the Administrator may determine." The provision referred to excepted the following personnel employed to carry out the functions of the War Assets Administrator under the Surplus Property Act of 1944 (58 Stat. 765, October 3, 1944; 50 (App.) U. S. C. 1611 et seq.): Special assistants, certified public accountants, qualified cost accountants, industrial engineers, appraisers, and other experts; certified public accounting firms and qualified firms of engineers employed by contract.

Public Buildings Services.—Employment of the services of established architectural or other professional or technical corporations, firms, or individuals, to such extent as the Commissioner may require for any public building project which the Public Buildings Administration is authorized by Congress to construct, or for any such project, funds for which are transferred by another agency to the Public Buildings Services for construction of the project, regardless of specific legislation governing such other agency (section 401 of Public Law 105, 81st Cong., June 16, 1949). (This authorization does not apply to the employment of such corporations, firms, or individuals on a permanent basis; their services must be limited to the individual project for which employed).

INDEPENDENT ESTABLISHMENTS

American Battle Monuments Commission.—Architects, firms of architects, and other technical and professional personnel engaged by contract or otherwise (60 Stat. 317, June 26, 1946; 36 U. S. C. 138b).

Atomic Energy Commission.—Officers and employees of the Atomic Energy Commission, to the extent that that Commission deems employment of such personnel without regard to the civil-service laws to be necessary to the discharge of its responsibilities (60 Stat. 770, August 1, 1946; 42 U. S. C. 1812).

Commission on Renovation of the Executive Mansion.—All positions (section 2 (f) of the act of April 14, 1949, Public Law 40, 81st Cong.).

Detention Review Board.—Preliminary hearing officers (section 104 (d) of the act of September 23, 1950, Public Law 831, 81st Cong.).

Displaced Persons Commission.—All positions (section 8, Public Law 774, 80th Cong., June 25, 1948).

Federal Mediation and Conciliation Service.—Conciliators and mediators (61 Stat. 153, June 23, 1947; 29 U. S. C., supp. 1, 172).

Federal Power Commission.—Experts necessary for carrying out the functions entrusted to the Federal Power Commission under the Bonneville Project Act, as amended (50 Stat. 736, August 20, 1937, as amended by the act of October 23, 1945, 59 Stat. 547; 16 U. S. C. 832i).

National Capital Park and Planning Commission.—Services as authorized by section 15 of the act of August 2, 1946 (5 U. S. C. 55a), and real estate appraisers, by contract or otherwise (Independent Offices Appropriation Act, 1951, chapter VIII of Public Law 750, 81st Cong., September 6, 1951).

National Capital Sesquicentennial Commission.—Expert advisers (62 Stat. 396, July 18, 1947); clerks, stenographers, skilled and technical assistants, and other personnel needed in organizing and carrying out the plans of the Commission (section 3 of the act of May 31, 1949, Public Law 78, 81st Cong.).

National Science Foundation.—Deputy Director; members of divisional committees and special commissions; such technical and professional personnel employed by the Director as he may deem necessary for the discharge of the responsibilities of the Founda-

tion under the act of May 10, 1950 (Public Law 507, 81st Cong.).

Philippine War Damage Commission.—Officers, attorneys, and employees (section 101 (b) of the act of April 30, 1946, 60 Stat. 128; 50 App., U. S. C. 1751).

Smithsonian Institution.—Director, assistant director, secretary, and chief curator of the National Gallery of Art (50 Stat. 52, March 24, 1937, as amended by the act of April 13, 1939, 53 Stat. 577; 20 U. S. C. 74); head of the National Air Museum (60 Stat. 997, August 12, 1946; 20 U. S. C. 77).

Tennessee Valley Authority.—All positions (48 Stat. 59, May 18, 1933; 54 Stat. 1211, November 26, 1940; 16 U. S. C. 831b).

Veterans Administration.—*Department of Medicine*

and Surgeon General, physicians, dentists, and nurses, on a temporary full-time, part-time, or fee basis; dietitians, social workers, librarians, and other professional, clerical, technical, and unskilled personnel on a temporary full-time or part-time basis; residencies and internships (59 Stat. 676, 679, January 3, 1946, as amended by the act of June 19, 1948, 62 Stat. 536; 38 U. S. C. 15e, 15e, 15m). (Under the terms of the act, "no temporary full-time appointment shall be for a period of more than 90 days.")

Personnel necessary for the transaction of the business of the Veterans' Canteen Service at canteens, warehouses, and storage depots (60 Stat. 888, August 7, 1946, as amended by the act of May 21, 1947, Public Law 67, 81st Cong.; 38 U. S. C. 13a).

Part 7—Appointment of Employees of Other Agencies Without Reemployment Rights and of Former Federal Employees

SEC. 7.101 General requirements for reinstatement of persons who have competitive status. Suspended effective December 1, 1950.

SEC. 7.102 Extension of time limits after certain types of employments. Suspended effective December 1, 1950.

SEC. 7.103 Commission approval required for certain reinstatements. Suspended effective December 1, 1950.

SEC. 7.104 Agency authority for reinstatement. Suspended effective December 1, 1950.

SEC. 7.105 Agency authority and general requirements. (a) After September 1, 1950, the employment noncompetitively of employees of other agencies without reemployment rights and of former Federal employees shall be by indefinite appointment only. The Commission hereby delegates authority to agencies to make such indefinite appointments subject to the following conditions:

(1) Any former Federal employee having a competitive status may be appointed in any agency.

(2) Any employee having a competitive status who seeks employment in another agency, but has not been granted a release with reemployment rights by the agency in which employed, may be appointed in any agency.

(3) Any former Federal employee without competitive status may be appointed in an agency program designated by the Bureau of the Budget to be related directly to national defense, provided his former employment was

under an indefinite appointment during which he obtained such specialized experience as is needed to perform the duties of the position to which his appointment is proposed: *Provided*, That in making such appointments agencies shall give preference first to 10-point veterans and second to 5-point veterans.

(4) In giving indefinite appointments to a person having competitive status the agency may make such appointment in lieu of reinstatement, thereby bringing such person within the provisions of the Civil Service Retirement Act.

(5) The standards of the Commission must be met and the promotion restrictions of section 8.109 observed.

(6) The Commission may disapprove any such indefinite appointment, or suspend or withdraw this authority whenever, after post-audit, it finds that the regulations in this section have not been followed.

(7) The trial period for persons appointed under this section shall be a complete 1-year period. A trial period shall not be required for persons who have previously served a probationary period or a trial period of 1 year.

(8) Persons given such indefinite appointments do not thereby acquire a permanent civil service status. Persons serving under such appointments are eligible for within-grade salary-step increases in the same manner as provided in section 2.115 (c).

Part 8—Promotion, Demotion, and Reassignment and Movement of Employees Between Agencies With Reemployment Rights

- Sec.
- 8.101 General requirements for promotion, demotion, reassignment, and transfer of employees who have competitive status.
 - 8.102 Commission approval required for certain promotions, demotions, reassignments, and transfer.
 - 8.103 Agency authority for promotion, demotion, reassignment, or transfer.
 - 8.104 Status and tenure unchanged.
 - 8.105 Detail.
 - 8.106 Promotion of substitutes in the Postal Service.
 - 8.107 Promotions, demotions, reassignments on an indefinite basis.
 - 8.108 Agency authority for promotion, demotion, or reassignment.
 - 8.109 Restrictions on promotions.
 - 8.110 Status unchanged.
 - 8.111 Demotions necessary to place returning veterans.
 - 8.112 Promotion of substitutes in the Postal Service.
 - 8.113 Movement of employees between organizational units.
 - 8.114 Release with reemployment rights.
 - 8.115 Appointment of employees released with reemployment rights.

Sections 8.101 to 8.106, inclusive, suspended effective December 1, 1950.

SEC. 8.107 Promotions, demotions, reassignments on an indefinite basis. (a) All promotions after September 1, 1950, and all demotions on and after December 1, 1950, shall be designated as indefinite rather than permanent actions; and on and after December 1, 1950, any reassignment may, in the discretion of the head of the agency, be either on a permanent or indefinite basis: *Provided*, That the demotion or reassignment of a permanent employee shall not be designated as an indefinite action when the demotion or reassignment is to the position he last held on a permanent basis or to one of lower grade (or level) than such position.

SEC. 8.108 Agency authority for promotion, demotion, or reassignment. (a) The Commission hereby delegates authority to agencies

to promote, demote, or reassign any employee in accordance with standards of the Commission.

(b) The Commission may disapprove any promotion, demotion, or reassignment, or suspend or withdraw this authority whenever, after post-audit, it finds that the regulations in this Part have not been followed.

SEC. 8.109 Restrictions on promotions. On and after December 1, 1950, an employee serving in a position in grade GS-5 or a comparable or higher level must have served 6 months in his present grade or level before being promoted to a higher grade or level; and no employee may be given, at any one time, a promotion of more than two grades if he is being advanced from any grade below GS-10 (or equivalent), nor more than one grade if the promotion is from a GS-10 (or equivalent) or higher grade position. Approval must be obtained from the Commission whenever it is desired to make an exception to the requirements of this section.

SEC. 8.110 Status unchanged. (a) The promotion, demotion, or reassignment of a permanent employee shall not change his status as a permanent employee of the agency. At the time he leaves his permanent position the agency shall record in his Official Personnel Folder sufficient information to identify clearly the position he last held on a permanent basis.

(b) The promotion or reassignment of any employee who has not completed the probationary or trial period shall be subject to completion of such period.

(c) Any permanent employee of the agency who is separated by reduction in force from the position to which he was given an indefinite promotion, demotion, or reassignment shall, unless he is placed in a higher grade position

than the one last occupied on a permanent basis, be considered as restored to the position he last held on a permanent basis and shall compete for retention at that level under Part 20.*

SEC. 8.111 Demotions necessary to place returning veterans. When a demotion or separation is necessary to make a position available for a former employee entitled to restoration after service in the armed forces, agencies shall make such demotion or separation in accordance with Part 20.*

SEC. 8.112 Promotion of substitutes in the Postal Service. Substitutes shall be promoted to the first vacancies occurring in regular positions in the order of their original appointment, whenever there are substitutes of the required sex who are eligible and will accept, unless such vacancies are filled by promotion, or by indefinite appointment of persons with competitive status under Part 7. Whenever two or more substitutes are appointed on the same day the order of promotion shall be the order in which their names appeared on the civil-service register from which they were originally appointed.

SEC. 8.113 Movement of employees between organizational units. (a) After September 1, 1950, the employment without a break in service of employees of other agencies shall be by indefinite appointment rather than by transfer. The movement of employees from one organizational unit to another in connection with a transfer of functions, however, shall be without change in employment status.

SEC. 8.114 Release with reemployment rights. (a) It shall be the responsibility of the agency to determine whether its employees may be released with reemployment rights for employment in another agency. Whenever it determines that under standards issued by the

*Note to readers of this pamphlet: "Part 20" refers to the Retention Preference Regulations for Use in Reductions in Force.

Commission, the release of an employee will be with reemployment rights. In the program, the agency shall release such employee with reemployment rights. A permanent employee shall be eligible for release with reemployment rights unless he has received, or is about to receive, a reduction-in-force notice. A permanent employee who has been released with reemployment rights for indefinite appointment in his present agency shall be eligible for further release with reemployment rights in the agency from which he was originally released.

(b) Whenever an agency refuses to release an employee with reemployment rights, the agency desiring his services may appeal to the Commission. Final decision as to whether the employee shall be released with reemployment rights shall then be made by the Commission.

(c) Any employee released with reemployment rights who is subsequently involuntarily separated, without cause such as would reflect on his suitability for reemployment, shall be reemployed, with the status of a permanent employee, within thirty days of his application, by the agency from which he was originally released, in the occupational field and at the same grade or level and in the same geographical area as the position which he last held on a permanent basis: *Provided*, That if his reemployment would cause the separation or demotion of another employee he shall then be considered an employee for the purpose of applying Retention Preference Regulations to determine what if any position he is entitled to: *Provided further*, That upon reemployment in the Postal Service he shall be given the seniority he would have attained had he not been released. In order to be entitled to reemployment rights the employee must make application for reemployment within 40 days after his separation.

SEC. 8.115 Appointment of employees released with reemployment rights. (a) The

Commission hereby delegates authority to agencies to give indefinite appointments to employees who have been released with reemployment rights by the agency in which employed, provided the standards of the Commission are met and the promotion restrictions of section 8.109 of this part are observed.

(b) The Commission may disapprove any such indefinite appointment or suspend or withdraw this authority whenever, after post-audit,

it finds that the regulations in this section have not been followed.

(c) Persons appointed under this section shall not be required to serve a trial period. However, the appointments of such persons who have not completed the probationary period shall be subject to completion of such period.

(d) Persons serving under such appointments are eligible for within-grade salary steps in the same manner as provided in section 2.115 (c).

Part 9—Separations, Suspensions and Demotions

Sec.

- 9.101 Agency responsibility for separation or demotion of employees.
- 9.102 Procedure in separating, suspending or demoting permanent and indefinite employees.
- 9.103 Procedure in separating employee serving a probationary or trial period.
- 9.104 Procedure in separating temporary appointees.
- 9.105 Authority of Commission to investigate separations, suspensions, reassignments or demotions.
- 9.106 Effect of removal on future employment.

AUTHORITY: Sections 9.101 to 9.106, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

SEC. 9.101 Agency responsibility for separation or demotion of employees. (a) The employing agency shall remove, demote, or reassign to another position any employee in the competitive service whose conduct or capacity is such that his removal, demotion, or reassignment will promote the efficiency of the service. The grounds for disqualification of an applicant for examination stated in section 2.104 (a) (2) through (8) shall be included among those constituting sufficient cause for removal of an employee.

(b) The discretion vested in the appointing officer to remove employees under his jurisdiction, or to take other disciplinary action, is subject only to the following restrictions:

(1) Employees serving under other than probational or temporary appointments in the competitive service and employees having a competitive status who occupy positions in Schedule A or B which are not of a primarily confidential or policy-determining character, shall not be removed, suspended, or demoted except for such cause as will promote the efficiency of the service and in accordance with the procedure prescribed in section 9.102.

(2) Discrimination shall not be exercised in removals, suspensions or demotions because of

an employee's religious opinions or affiliations, or because of his marital status or race, or except as may be required by law because of his political opinions or affiliations.

(3) Like penalties shall be imposed for like offenses whenever removals, suspensions or demotions are made, or when other disciplinary actions are taken.

SEC. 9.102 Procedure in separating, suspending, or demoting permanent and indefinite employees. (a) One of the following procedures shall be followed in connection with the removal, involuntary separation (other than retirement for age or disability), furlough in excess of 30 days, suspension, or demotion of any permanent or indefinite employee in the competitive service, unless he is serving a probationary or trial period, or any employee having a competitive status who occupies a position in Schedule A or B which is not of a primarily confidential or policy-determining character. The procedural requirements of this section shall not apply to any person serving under temporary appointment, or whose removal is requested by the Commission under section 5.4 of Rule V.

(1) *Actions against employees.* No employee, veteran or nonveteran, shall be separated, suspended, or demoted except for such cause as will promote the efficiency of the service and for reasons given in writing. The agency shall notify the employee in writing of the action proposed to be taken. This notice shall set forth, specifically and in detail, the charges preferred against him. The employee shall be allowed a reasonable time for filing a written answer to such charges and furnishing affidavits in support of his answer. He shall not, however, be entitled to an examination of witnesses, nor shall any trial or hearing be required except

in the discretion of the agency. If the employee answers the charges, his answer must be considered by the agency. Following consideration of the answer, the employee shall be furnished at the earliest practical date with a written decision. If the agency determines that removal or other action is warranted, the employee shall be notified in the decision of the reasons for the action taken and its effective date. Copies of the charges, notice of hearing (if any), answer, reasons for removal, or other action, shall be made a part of the records of the department or agency concerned.

The employee shall be retained in an active duty status during the period of notice of proposed action under this section except that in any case the employee may be placed on annual leave without his consent where the administrative office does not consider it advisable from an official standpoint to retain him in an active duty status during the advance notice period. Where an employee is not placed on annual leave and the circumstances are such that his retention in an active duty status may result in damage to Government property or may be detrimental to the interests of the Government, or injurious to the employee, his fellow workers or the general public, the employee may be temporarily assigned to duties in which these conditions would not exist, or placed on leave without pay with his consent. In emergency cases requiring prompt suspension of an employee the employing agency may require the employee to answer the charges and submit affidavits within such a time as under the circumstances would be reasonable, but not less than twenty-four (24) hours; however, a preference eligible employee may not be suspended for more than thirty (30) days under this procedure.

NOTE: See also Section 14 of the Veterans' Preference Act of 1944 and the Commission's regulations pursuant thereto which are applicable in cases of discharges, suspensions for more than 30 days, furloughs without pay for 30 days or less, or reduction in rank and compensation of preference eligible employees.

(2) Revoked November 10, 1950, effective December 29, 1950.

(3) *Reduction in force.* The Retention Preference Regulations for use in reductions in force promulgated by the Commission pursuant to section 12 of the Veterans' Preference Act (Part 20) shall be followed whenever the employee's separation or furlough in excess of 30 days is caused by a reduction in force.

(4) *Demotion for administrative reasons.* A nonveteran whose demotion is proposed for administrative reasons shall be notified in writing of the reasons why his demotion will promote the efficiency of the service and of his right to appeal his demotion to the head of the agency concerned through the grievance procedures adopted by the agency. The regulations governing appeals to the Commission under section 14 of the Veterans' Preference Act (Part 22) shall be followed whenever a veteran's demotion is proposed for administrative reasons.

SEC. 9.103 Procedure in separating employee serving a probationary or trial period. (a) Any person serving a probationary or trial period shall be given a full and fair trial in the performance of the duties of the position to which appointed. If the performance of his duties or his conduct is not satisfactory to the agency his services shall be terminated by notifying him in writing of the reasons for his separation and of its effective date. The Retention Preference Regulations (Part 20) shall be followed whenever a probationer's separation is caused by reduction in force.

SEC. 9.104 Procedure in separating temporary appointees. (a) A person serving under a temporary appointment may be separated at any time upon notice in writing from the appointing officer.

SEC. 9.105 Authority of Commission to investigate separations, suspensions, reassignments or demotions. (a) Except as required by section 14 of the Veterans' Preference Act,

the Commission shall not investigate or review the sufficiency of the reasons for removal, suspension, reassignment or demotion of an employee.

(b) The Commission may investigate the removal, suspension, reassignment or demotion of an employee when such employee establishes a prima facie case that:

(1) The procedure prescribed by the Commission under section 9.102 (a) (1) has not been followed (regardless of other allegations); or

(2) The removal, suspension, reassignment, or demotion was made for political reasons, except as may be required by law, or resulted from discrimination because of marital status.

Note: Allegations of discrimination because of race, religion, color or national origin will not be investigated under Section 9.105 inasmuch as a procedure for review of such cases is provided by Executive Order 9980 and part 410 of Title 5 of the Code of Federal Regulations.

(3) No case will be investigated under this paragraph unless the request for such investigation is received by the Commission within ten (10) days from the effective date of separation, suspension, reassignment or demotion. This time limit may be extended in the discretion of the Commission only upon a showing by the employee that circumstances beyond his control

prevented him from filing a request for an investigation within the prescribed ten (10) days. The regulations of the Commission under Section 14 of the Veterans' Preference Act of 1944 (Part 22), relating to appeals to the Commission of preference eligibles, are applicable whenever a request is received from a preference eligible to investigate a removal, suspension for more than thirty (30) days, or demotion.

SEC. 9.106 Effect of removal on future employment. When an employee has been removed on charges, the Commission may receive the sworn statement of such employee, setting forth fully and in detail the facts surrounding his removal, may within its discretion make investigation to determine his eligibility for reinstatement insofar as suitability and fitness are concerned, and will after such investigation advise such employee whether the Commission has as a result of the investigation found him to be suitable for reinstatement in the Government service. No case will be considered under this provision unless submitted to the Commission within six months from the date of removal or 60 days after the date of the last adverse decision as a result of an appeal under Part 22.

Part 11—Permanent Readjustments in Personnel¹

[As added November 13, 1950, effective December 1, 1950]

Sec.

11.1 Separations, demotions, and reductions in rank or compensation.

11.2 Consideration of veterans for permanent promotion.

AUTHORITY: Sections 11.1 to 11.2 issued under R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633.

SEC. 11.1 Separations, demotions, and reductions in rank or compensation. When an agency, following authorization by the Commission, makes permanent readjustments in personnel:

(a) The separation, demotion, or reduction in rank or compensation of any employee serving under an indefinite appointment made in accordance with sections 2.115, 7.105, and 8.115 will be considered as having been made on order of the Commission and will not be subject to the requirements of Parts 9 and 22.*

(b) Any change downward in the rank or compensation of a permanent employee of the agency from a position held on an indefinite basis will be considered as having been made on order of the Commission and will not be subject to the requirements of Parts 9 and 22.

¹ Part 10, "Special Transitional Procedures," has been revoked effective December 1, 1950.

*Note to readers of this pamphlet: "Part 22" refers to appeals of preference eligibles under the Veterans' Preference Act of 1944.

However, any such change downward below the employee's permanent rank or level must be made in accordance with Parts 9 and 22.*

SEC. 11.2 Consideration of veterans for permanent promotion. When permanent readjustments in personnel are authorized by the Commission:

(a) Full consideration shall be given to all qualified permanent employees of the agency in making selections for permanent promotions. Any employee still absent in the armed forces at this time shall be given the same consideration as the employees who are present in the agency, and the agency shall record in his Official Personnel Folder what consideration for promotion was given to him.

(b) Each agency shall establish a committee or committees to review the selections made for promotion to assure that full consideration is given to the qualifications of permanent employees who have been restored, or who are entitled to be restored, to duty in the agency after service in the armed forces. Such committees shall make reports and recommendations to the head of the agency with respect to the consideration given to the promotion of such employees.